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LIFE OF
WALTER QUINTIN GRESHAM
VOLUME I

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WALTER Q. GRESHAM

As a Law Student, Twenty Years of Age

LIFE OF
WALTER QUINTIN GRESHAM

1832–1895

By
MATILDA GRESHAM

IN TWO VOLUMES

WITH PORTRAITS

VOLUME I

CHICAGO
RAND McNALLY & COMPANY
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INTRODUCTORY

LORD MACAULAY, in one of his essays, said that many of the English statesmen of his own and of earlier times were wanting in practical administrative ability by reason of[1] their logistic powers,—their ability to refine and distinguish. Their very talents hampered them and their followers in reaching a conclusion, especially the right one, to which their less gifted and learned, but practical and clear headed, associates readily turned.[2] Of Macaulay's own treatment of Warren Hastings and Judge Impey, Judge Stephens said: "I think Macaulay made use of the ambiguous expressions because he was afraid of being definite for fear of being wrong."

The career of Walter Quintin Gresham was before all else that of a lawyer and judge. Definiteness he insisted on—definiteness of fact, of statement, of decision. That definiteness in affairs of State brought him criticism that he enjoyed—he was no diplomat. In this presentation of his life, therefore, the aim has been to be specific, and to make no statement which could not be corroborated by the evidence.

The marshalling of the facts has been my part of the work. I have taken the evidence, have sifted it, and have presented it, just as I should prepare a brief for the court. But the facts themselves, and the deductions and conclusions, have come from the unclouded memory and clear mind of my mother, Matilda Gresham, the best informed witness obtainable and, I submit, competent. We have had to take into account the Editors and Censors, and we have bowed to their will and their judgment in some things where perhaps they were right and perhaps they were wrong. It has been hard to convince the Editors and the Censors that the *woman* was telling the story, and that her own life experiences and environments and "prejudices" fitted her for the task.

That needle-work, all kinds of it—a recital of which the Censor struck out of the text—that she was compelled to do as a part of her childhood education, and her practical knowledge of the

[1] See pages 632 and 641. [2] See page 800.

sewing-machine, qualified her to assist the judges with their models in deciding a question arising under the patent laws. Her experiences on the Mississippi River in 1863 and 1864, as a passenger on steamboats loaded with ammunition, gave her a different view of the warning of the German Embassy of April 22, 1915, published in fifty American newspapers, than that of Lady Mackworth, the English Suffragist who sailed on and lost her life in the sinking of the ill-fated *Lusitania*. "Tommy-rot!" was her ladyship's comment. She didn't believe they could do it. Neither did the statesmen.

By taking the lawyer's last fair chance the *Lusitania* could have been saved. As she approached the English Coast—whether or not under reduced speed, as it is said she crossed the Atlantic, she should have been convoyed. "That duty" to use a judicial phrase "was measured and dictated by the Exigencies," the possibilities of the occasion. And this, too, assuming we had no statute prohibiting the clearing of vessels, in time of war, carrying both passengers and ammunition—non-explosive ammunition if you please.

Not in any sense by way of justification do we advert to this astounding act of cruelty, but to illustrate further the workings of the mechanical mind or the mechanical instinct, the highest form, perhaps, of intelligence, and the necessity for it in the practical administration of governmental affairs. Adopting one of Walter Q. Gresham's expressions, before the model is made there must be the conception, the vision. Quoting one of the most reverent and devout, revelations and not inventions have been some of the conceptions—beyond the imagination of man, of the immature, of the low born and of the ignorant—which have gone into machinery and made for the benefit of the race. George M. Pullman was not an educated man, but he saw at a glance what many a graduate of the best scientific schools of this country and Europe and those skilled in the management of railroads could not see, what the mechanic, Sessions, as set forth in Chapter XXXIII of this work, could do. That chapter and the preceding judicial chapters illustrate how Walter Q. Gresham helped as a judicial officer to enforce the provisions of the patent law which require that the credit of the invention shall go to the man or woman who conceives or imagines it, however much material advantage the law allows to accrue to the man who

may aid in the practical adoption of the new idea, and the folly if not the danger of the material man attempting to assume the role of an inventor. It will also appear that the judicial mind was concerned, although adhering to the rule that if property rights were the basis of our civilization what would be the ultimate effect of the labor-saving machine in domestic and international affairs?

In view of the letters of Walter Q. Gresham, as set out in the Natchez chapters in this work, it will not do to say that passenger vessels without previous warnings were never fired on prior to 1915. But construing the statute as only prohibiting the carrying of passengers on vessels loaded with ammunition that might explode, and conceding that this construction, as it is claimed by universal acquiescence for a long period of years, was the correct construction of the statute, we want to submit with all due deference to all whom it may concern, that Walter Q. Gresham was enough of an executive, and had enough of a nose for news,[1] to have taken notice of a threat, even through a newspaper advertisement, to sink a passenger vessel because it was carrying ammunition. To be specific, Theodore Roosevelt said, after the sinking of the *Lusitania*, that had he been President he would have met the threat to sink with a declaration of war, but as a newspaper man he permitted the threat to pass unnoticed, and Colonel George Harvey was likewise silent. As a matter of fact, there was no such universal acquiescence in the practical construction of the statute as to give it the same effect as if written so as to permit passengers and non-explosives on the same vessel, for William Jennings Bryan, as Secretary of State, opposed that construction.

Walter Q. Gresham would obey the law in good faith, even though his conscience did not approve it, as is evidenced by his attitude toward the Fugitive Slave Provision of the National Constitution, and of the Fugitive Slave Law of 1850, to give it effect. With him, while the war legislated, but not exactly as he would have written it, he did not as a judge enter on constructions that brought embarrassment to other judges, the judicial recall, for instance, and then the declaration that the war amendments were self executory. Written in blood, that was the only sane view for a court to take. Part of that legislation

[1] See page 641.

prohibited passengers on ships or boats carrying ammunition. The primary object was to remove the temptation that ammunition on those vessels gave to an enemy to destroy them.

Opposed to the doctrine of Imperialism, the acquisition of possessions beyond the seas, not only as contrary to the principles and traditions of the Republic but because it involved large armaments, once entered on, Walter Q. Gresham said it could and should be maintained

History shows that dispensing statutes and constitutions have been costly to rulers, statesmen and people. As a young lawyer, Walter Q. Gresham realized that the most potent argument for secession was Wendell Phillips' statement: "Seward will swear to support the constitution of the United States but will not keep his oath." In his mature years he concluded that the most potent argument for anarchy, what we now call Bolshevism, was the disposition of men in official position in this country, under the guise of construing constitutions, to avoid their constitutional obligations. Live up to the traditions and beliefs and compromises if you please, of the fathers or the Republic will go the route of the Roman Republic. He believed that "that instinct of reason that was common to the masses" no statesman or politician could long impose on. Not by way of criticism of the present leader of Democracy, was any of the text of these two volumes written. All of it was prepared even before Mr. Wilson became President. I voted for him in 1916. It has taken a long time to get by the critics and the censors. "The Case System," one of the best methods for teaching the novice in the law, has been in a measure resorted to, to illustrate the power and functions of the Government of the United States and its preservation, with all of its imperfections—to be cured by amendment,—which Walter Q. Gresham believed should be preserved for the benefit of the race.

And the war just closing was finally prosecuted by Great Britain and the United States on the lines Walter Q. Gresham said he would make war. His views (as to how to make modern war) as set forth in our last chapter (pages 799 to 802) were written and criticized long before August, 1914. That criticism suggests the thought that, although a pacifist, but not a non-resistant, indeed, an adept in the art of defending by attacking, he would not have waited until the regular organizations in the

War Department fell down before utilizing the mechanic, the business organization, the business method, the business man, and if you please, the malefactor of wealth. At the minimum his system would have put, as one of his surviving comrades in the Army of the Tennessee said the night following the declaration of war on Germany, 3,000,000 men in France by March 1, 1918.

James E. Stewart, who avowed his indebtedness to Walter Q. Gresham for counsel and advice, and whose ability in civil affairs is set forth in Chapter XL (beginning at page 641), and something of a soldier, organized in ten days in July, 1918, the 11th Illinois, and as he marched it through the city of Chicago a few days later said it was as good as any that had gone to France. This actual demonstration of Governor Lowden's executive capacity—and he had some tutelage under George M. Pullman—is conclusive, we submit, that Walter Q. Gresham was conservative in his statement as to what might have been done in Illinois in raising volunteers. Operating on business and mechanical lines, Governor Lowden and his organization could in three months following the declaration of war against Germany have delivered to the National Government 500,000 men ready equipped for shipment to Germany.

Conceding but not admitting the fact that the draft, the selective service, will produce more men than the volunteer system, it failed to produce the machinery, the guns, ammunition, and aeroplanes, to equip the drafted army. James P. Goodrich was one of the young fellows who undertook to make Walter Q. Gresham President in 1888. Experienced in mechanical and business affairs, as well as politics, Governor Goodrich's Indiana State Council of Defense, headed by Will H. Hays, served as a model for State and Nation. "A hundred billion of dollars and 5,000,000 of men if necessary, and not a boycott," is the way the Chairman of the Indiana Council of Defense said he would win the war, and demonstrated his executive capacity. That maxim that Hays learned as a country lawyer that one of the best ways to defend was to attack, was passed on to the man in Washington.

General Omar Bundy, the son of Judge M. L. Bundy,[1] of

[1] See page 758.

our Hawaiian chapter, opened the jack-pot at Chateau Thierry. The sire many times when on the defense in a lawsuit converted a riot into a victory by digging into the plaintiff.[1] The son stopped the Germans, and got sent home, but made Foch come in, and it is said it took much arguing on General Pershing's part to make the aged Frenchman "front face to the rear."[2] The parallel in part is in General Grant's case as we detail it in the Shiloh chapter.[3] Grant disobeyed orders and was relieved, although he "whipped them," and destroyed, according to many of the Southern historians, the best single asset the Confederacy had, General Albert Sidney Johnson, who was killed on the afternoon of the first day. When Mr. Lincoln got all the facts, General Grant was restored to his command. It was Colonel T. Lyle Dickey, the bearer of a message from General Grant, the Commander of the Army of the Tennessee, to the President of the United States, who silenced the criticism of General Grant's drinking "by the Generals and the Colonels who were thicker in Willard's Hotel in Washington than they were in the Army of the Tennessee," by declaring with much emphasis and some profanity that if the President of the United States would look up "the brand of whisky General Grant drank and order a trainload down here for the Army of the Potomac, enough for the Commander-in-Chief and down to the last private, the government might make some headway with the war in Virginia." When Mr. Lincoln heard of the incident a few hours later he was delighted and said, "Dickey, I am going to steal this idea from you. You must never use it again, and I will give it to the next delegation of preachers who come up here protesting against General Grant's drinking." At that time Dickey was on Grant's staff. In civil life he was a lawyer and a good one and he died a member of the Supreme Court of Illinois.

We by no means deprecate preparation in a lawsuit nor training for military men. Adverting to the simile that Thomas F. Bayard, Ambassador to the Court of St. James in 1895, used in advising Walter Q. Gresham that the war was coming, "These European nations are watching each other like pugilists in a ring,"[4] we suggest that it was learned by that time that pugilists could be trained too fine. In Grant's days they fought with

[1] See page 185. [2] See page 240. [3] See page 175. [4] See page 794.

bare knuckles and for blood. To be specific—before Foch came in, but after Bundy landed his "jolt"—as I have heard the spectators and seconds at the ringside urge the strong, husky young fighter, "Rush him now!"—the cry went up, "We can win!" The lines we quote from Grant's Memoirs in the Shiloh chapter, about General Grant being able to go farther with volunteers than Buel with professional soldiers, were sent to the President of the United States with the statement that General John A. Rawlins, General Grant's Chief of Staff, was a volunteer who died the most influential man in the Republic, and that the Army of the Tennessee, which Grant and Rawlins organized out of volunteers, never was "*whipped.*" It is said that General Bundy is not entitled to the credit of ordering the advance at Chateau Thierry. So be it. Then let credit be given to the man who gave that order. The best that Foch did was to get a "draw." They could have had that at any time after it was demonstrated that we had the "punch,"[1] and thus saved thousands of lives.

Senator Lodge helped edit "The Education of Henry Adams." That element of force, the Russian Fleet[2] for instance, that was back of all the diplomacy so graphically set forth, seems to have escaped them. I was at the courtroom meeting described in the '77 Strike chapter.[3] I went into General Chapman's company. Afterwards I went with General Spooner, the United States Marshall, to the Arsenal, after the Federal troops came. I heard the conference between General Spooner, General Morrow and General Harrison, for as I dropped out at the office door General Harrison said, "Spooner, bring the boy in." General Harrison called General Spooner, "Spooner," while General Spooner addressed General Harrison as "Ben." With General Morrow they were very formal. There was much discussion as to how many men General Spooner would take with him. Finally he ended the conference by saying, "Two lieutenants and fifty men, if they are good ones, are all I want."

When we returned to the Federal Building my father said, "You cannot go to Terre Haute with General Spooner. There may be some trouble at our home; go and stay there until this

[1] British General Maurice's term. [2] See page 266. [3] See page 387 et seq.

squall is over." Our residence was then on the outskirts of Indianapolis, on the corner of what is now 18th and Capitol Avenue, a block from any other house. I owned a good breach-loading, double-barrel shotgun and a rifle, and there were two army revolvers in the house. That evening, a beautiful moonlight night, while my mother, Senator McDonald and General Harrison sat under the trees, General Harrison assured Senator McDonald "that the boys will make no move this bright, moonlight night, and to-morrow morning that express car of ammunition will be here from Chicago." The men on the Indianapolis, Peru & Chicago Railroad did not strike, but they did not know they were rushing ammunition to Indianapolis. As soon as the ammunition reached Indianapolis, wide publicity was given to its arrival. There was little ammunition although plenty of arms and artillery at the arsenal when the trouble began, but there was an ample supply of cartridges for General Harrison's and Chapman's companies. General Harrison had come with General Morrow and Captain Isaac C. Arnold, the Commandant of the Arsenal, to meet Senator McDonald and others of the Committee of Public Safety for a conference at our house. Leaving the conference in the library, General Harrison and Senator McDonald came out to visit with my mother and Mrs. Smith, the widow of General Giles A. Smith.[1] And my education has not been entirely under the tutelage of warriors, statesmen, lawyers, and school teachers.

It was disobedience to orders that brought Colonel Benjamin Harrison his promotion, his most devoted followers always claimed. The 70th Indiana was being cut to pieces in a ravine at Resaca. When Colonel Harrison applied to the Division Commander for permission to charge in order to save the regiment from annihilation, with a reprimand he was sent back to hold the line. He charged, nevertheless, carried the position in front of him, and the line was advanced and "Joe" Hooker commended the Colonel of the 70th in general orders.

As a trial lawyer General Harrison knew how to defend by attacking, as appears in the account of the Brownlee case,[2] and he suffered more mental anguish than he did at Resaca when, in appearing for the Government of the United States in the Jennings

[1] See page 307. [2] See page 447.

County Election Cases,[1] Colonel A. W. Hendricks put him on the defense and almost out before he was fairly started on the Government case.

Not one jot or tittle from Benjamin Harrison's fame, if any, would we detract. Our friends as well as our critics will[1] have to concede that we have had some knowledge of his limitations and that I, as a lawyer of more than fifteen years' experience with all sorts of courts and juries, knew the sire had enough force of character and popularity with the common ordinary man in 1892 to do what he said he was going to do, split with President Harrison and the Republican party. Moreover, it can perhaps be understood that we could tell the newspaper men by counties and townships at least in Indiana where the votes were that would go with him.[2] George Ade was the only newspaper man who would publish our figures. All the rest were afraid, as Judge Stephens would say, of being wrong. Not all the "practice and procedure" are in the books, as many trial lawyers will testify. At sixteen years of age I learned the law of conspiracy in the courtroom from Benjamin Harrison's lips. As the years rolled on I learned that he was committed to certain principles of government—and some of the succeeding pages show that he realized the effect and protested against certain measures of his party.[3] It was difficult to get newspaper men to quote views privately expressed, that he was against the Imperialism which William McKinley and William Jennings Bryan in a measure committed us to in the Philippines. The editors were afraid General Harrison would disavow; on the contrary, he was glad to stand up and be counted; and yet the Editors said I could not have learned at the fireside how "Old Uncle Dennis" made William Henry Harrison and Governor Posey in territorial days come along on the slavery question.

Theorists and statesmen may legislate, but after all it was Walter Q. Gresham's conception that government and civilization depend on force—on men like Grant, Fitzsimmons,[4] and Bundy, the man who can go up in the plane, down in the submarine, or lead the suicide club with the infantryman at his heels—or the man with moral courage or force enough to break with his party,[5] or to stand up against a Grant—as well as the consent of the

1 See page 472. 2 See page 675. 3 See page 656. 4 See page 800. 5 See page 670.

governed. Again, with all due deference to the devout and the materialist, "the favored of Him who rules on high" is not always considerate of functionaries and forms. Often he alone is conscious of his gifts until there is an actual demonstration. According to Milton, although recognizing "the Potency of Him above," the devil's conception was that the human race is his "inferior in power and excellence."

The women of Walter Q. Gresham's family were not denied the privilege of thinking out loud, even if they were at times a little illogical in reaching their conclusions. And he was not adverse to accepting Matilda Gresham's conclusions, even though based on illogical processes, in aid of his own judicial conscience. To get the human point of view, he often invoked the judgment of well-informed women outside his own family.

The rule of law that prevents husband and wife from testifying for or against each other is not founded on the rule that the best informed shall best enlighten the court. Time was, within the memory of men now living, when the parties who of necessity knew more about the facts in a litigation, if plaintiff or defendant on the civil side or defendant in the King's Court or the courts of the States of this Union, could not testify, even though his or her property or his or her life were involved.

The facts presented in this work comprise the testimony of Matilda Gresham, presented to the court of the public as a competent witness. Southern by birth and inheritance, she had heard slavery discussed from girlhood, and was familiar with its moral and social aspects, its historical and legal bearings, as fully almost as her husband. She is therefore a competent witness on this subject, and as it forms a very considerable part of this work the reader should bear her competency in mind in case the facts and conclusions given do not always agree with his own understandings and conceptions. The attitude of Union officers, at the front, as to the lines on which reconstruction should be undertaken, Matilda Gresham states just as she heard the subject discussed in camp and army headquarters. The history of the important legal cases Walter Q. Gresham handled as a Federal Judge, the history of his acts as a member of the cabinet of two administrations, his breaking away from his party in 1892, Matilda Gresham gives from the standpoint of the one person

in the world most competent to understand the motives that actuated her husband. She took part in daily councils whenever any momentous matter was at issue, and her judgment and opinion were asked and often counted in the final act. She is therefore a competent witness before the court, and it is hoped that her narrative, as presented in these volumes, will be accepted as a sincere attempt to make clear the events of those years when the destinies of our great country were in the crucible, and of the part that Walter Q. Gresham had in them.

Her deductions are her own, and while the Editor and the Censor may say they are often only the prejudice of the woman and of the "Lost Cause," it can be affirmed that even prejudices are realities. The consideration for the Southern brother that Walter Q. Gresham manifested as a schoolboy was not lessened by his association with the woman of prejudices. The means or arguments that he brought to bear on those prejudices, that assuaged the prejudices of the Union soldiers, are a part of the unwritten history of the times. Horace Bell was afraid of no man, but he quailed before the prejudices of a woman — it took a woman, his second wife, to induce him to let the true story of the "Brandenburg Affair"[1] be written.

Questions, too, that Walter Q. Gresham said the fathers thought would be settled without the wager of battle,[2] the Editors and Censors say the woman should not be permitted to assert could and should have been settled as reasonable men settle differences. "Absolutely contrary to all history," said the Editors, when the woman asserted what she knew as a child, what she learned before, during, and after the Rebellion, that the large slaveholder was not a Secessionist, that it was the Abolitionist and the "Hill Billies" who precipitated the war. Our text shows that on the final call it was Wendell Phillips, the Abolitionist lawyer, who insisted on the wager of battle. One of our Abolitionist Editors changed our text to read, "The Fugitive Slave Law of 1850 was *probably* constitutional." We adhere to our original statement that it was constitutional and we are borne out by the opinions of Clay and Webster, by opinions of every Federal judge on the Circuits in the North, foremost among whom was Associate Justice of the Supreme Court Benjamin R.

[1] Chapter V, page 78.

[2] Chapter XXIX, page 470.

Curtis, whose appointment Mr. Webster had secured from President Fillmore because as a lawyer Curtis had promptly declared the law constitutional, and finally, by the Supreme Court of the United States, in Ableman *vs.* Booth, 21 Howard 506. The Editor wanted to excuse his ancestor for disobeying the law. "An unconstitutional law is void, and is as no law."[1] Wendell Phillips never denied it was constitutional. It helped prove his second premise that the constitution of the United States was a pro-slavery instrument. He continued to maintain what Justice Curtis conceded to be his right to revolt and figured there would be no place for Curtis to stop in the Dred Scott case. And so it is that we say in Chapter VI, the Dred Scott case was one made up by the Abolitionists.[2]

The lawyer often goes "far afield" but always with the hole in mind out of which he will come—often to the amazement and chagrin of the statesmen and the judges to say nothing of the less informed. Wendell Phillips, an adept in the practice of his profession, was not the first on this line. James Otis preceded him, and, as we show, conceived the American Nation.[3] Hargrave, the English lawyer, in the "Negro Case" copied Otis and played on Mansfield's prejudice against Massachusetts.[4] Walter Q. Gresham as a lawyer could see a hole through a millstone as soon as most of his associates and not much was ever "put over" on him as a judge.

Thomas Drummond, the czar of the Seventh Circuit, as one aggrieved lawyer denounced him, prominent in the judicial chapters,[5] who never sidestepped a patent case, was appointed United States District Judge for the District of Illinois by President Taylor a short time before the appointment of Benjamin R. Curtis to the Supreme Court. To my own knowledge, night after night Matilda Gresham heard Thomas Drummond and Walter Q. Gresham discuss not only Otis, Mansfield, the English judge, and Hargrave, the English lawyer, the English judges and lawyers of that time as well as many of the English judges and lawyers who welcomed Thomas Drummond as a man who made precedent, but also the avowed incapacity of Justice Harlan in patent litigation, the shortcomings of the Supreme Court on that branch

[1] *In re* Siebold, 100 U S. 376. [2] See page 106. [3] See page 38.
[4] See page 36. [5] Chapters XXI, XXII, XXIII, and XXXII.

of the law as set forth in the judicial chapters, Wendell Phillips, Benjamin R. Curtis, the Fugitive Slave Law of 1850—the constitutionality of which District Judge Drummond sustained before Mr. Curtis went on the bench—Abraham Lincoln, Stephen A. Douglas, and the Lincoln-Douglas debates. After serving in the legislature, with Lincoln and Douglas both as lawyers appeared in Judge Drummond's court. Often the women broke into the discussion. To use one of Judge Drummond's own expressions, "I first settled at Galena and became one of the 'Galena Gang,'" among whom was Ulysses S. Grant, and last but not least in importance on the practical side, J. Russell Jones.[1]

After Benjamin R. Curtis's dissent and resignation in the Dred Scott case only to meet Phillips' scorn, for the judgment of the court proved finally Phillips' second premise, that the constitution of the United States was a pro-slavery instrument, Curtis went back to the bar and became the counsel and adviser of the commercial interests of New England whose lines were every day becoming more potential in the Northwest. Before going on the bench he had been denounced by Phillips as "the Boston representative of the New Orleans Cotton Exchange" and then as "the Fugitive Slave Bill Judge." Mr. Curtis often appeared in Judge Drummond's court. And as we further heard at the fireside, on the advice of Judge Drummond, J. Russell Jones employed Benjamin R. Curtis to aid Corydon Beckwith, the regular counsel for Mr. Jones' corporations, in their contest with the corporations steered by Melville W. Fuller. "And the way we cleaned up the future Chief Justice of the United States and his clients," said Mr. Jones, "gave me all the credit I needed with the financial interests." Written opinions of Mr. Curtis up to a few years ago were among the archives of the North Chicago Street Railway Company. "Law suits were brought in remote districts," said Mr. Jones, "and prosecuted through the Supreme Court without the Supreme Court or 'Mel' Fuller suspecting the use that would be and finally was made of the decisions thus obtained."

"Something of a speculator on the safe side," as Matilda Gresham says,[2] when she came home and told her father, who was a secessionist, that she proposed to "bet on the Union"—

[1] See pages 139 and 140; also pages 335 and 336.

[2] See page 196.

that is, buy government bonds, — the reader will probably conclude that she could appreciate and intelligently set forth her husband's financial position, and later on did not want any of J. Russell Jones's street railway securities.

Availing ourselves of the rule of pleading that admits of anticipating and countering possible objections, we advert to the statement of James G. Blaine, in his "Twenty Years of Congress," that the large slaveholder and man of property in the South was against secession, and that her own moral instincts as a child were reflected, as Walter Q. Gresham said, in the utterances of all the Southern jurists and the best of the Southern men. On December 27, 1856, Colonel Robert E. Lee wrote to his wife: "There are few, I believe, in this enlightened age who will not acknowledge that slavery as an institution is a moral and political evil in any country. . . I think it is a greater evil to the white than to the black race." Concrete proof of the evil to the white race could be furnished by Matilda Gresham, and a great many people of the South will admit it to-day. But at that it must be granted that the contact with such men and women as Robert E. Lee and his wife, and there were many such in the South, fostered the claim that the institution was humanizing and Christianizing to the savage.

Before "Pat" Cleburn put it up in writing to the President of the Confederacy, Colonel Edmund Barkley of the 8th Virginia Regiment, Pickett's Division, is our authority for the statement that General Lee orally advised Mr. Davis to free and conscript the negro. So there may be something in the claims of Jefferson Davis and Robert E. Lee that it was a theory of government and not a principle of morals for which they "went out."

Before the resolutions of '98 the 11th Amendment to the Constitution of the United States, which prohibits a State of the Union from being sued by a citizen of the United States in the Supreme Court of the United States, was put on its way to ratification. In Chisholm *vs.* Georgia, the first milestone of the constitution, decided by the Supreme Court of the United States in 1793, Chisholm was given a judgment for money which the State of Georgia owed him. Pending the adoption of the Constitution of the United States, there were many claims of individuals against the States which went into suit as soon as the

Supreme Court of the United States was organized. When the State of Georgia said the attempted enforcement of the Chisholm judgment would be resisted with force, John Marshall, afterwards rated our greatest Chief Justice, along with John Hancock, then the Governor of Massachusetts, and John Sedgwick, then a member of Congress and the Federalist speaker of the House, became the leaders in pressing for the 11th Amendment to do as it did, prohibit a citizen suing a State in the courts of the United States. Immunity of the State from suit in the face of threats of forcible resistance was the very essence if not the virile seed of secession. Chief Justice Marshall's fame as a jurist rests largely on those subsequent milestones of the constitution which he wrote in around that 11th Amendment, but that his fine judicial judgments did not disturb the belief of the advocates of the supremacy of the State may possibly be understood by the reader of our chapter[1] in which it is set forth that Walter Q. Gresham, as the orator of the Army of the Tennessee, in welcoming "the old commander" home from his trip around the world in 1879, said, "the supremacy of the States which the South asserted and we denied was surrendered at Appomattox." And then he added what the Editors would not allow in our text—a wide publicity of which might in these later days have saved some men from prison stripes,[2]—"*that the soldiers wrote that the National Government can use force not only at home but also abroad.*"

And reared as I was, it can perhaps be comprehended that as a lawyer my task was easy,—for I could see the conviction produced,—in advising men, both white and black, who, it was said, had been influenced by the pacifists and Pro-Germans. I had them enlisting before the draft came. The white men were concerned about an early decision of the Supreme Court of the United States, that men could not be drafted for service abroad, while the negroes said, "We owe no duty to that old Confederate Government. They never did want us free, nohow." In arguing a proposition, a lawyer is seldom ever embarrassed by sensibilities and what the critics and literary men call good taste, especially if the mind to be reached is not concerned by such considerations. It was not so much a case of "German Propa-

[1] See Chapter XXIX.

[2] U. S. *vs.* Krafft 249 Fed. Rep. 919. Selective Draft Law Cases, 245 U. S. 367. Chief Justice White, an ex-Confederate, writing the opinion.

ganda" as of hysteria on the part of many of our good men and women, when they criticized those who did not agree with every visionary, impracticable, and unconstitutional measure as soon as proposed.

Never did Walter Q. Gresham say or do an unwise thing as to the slavery question. He understood its history better than most men, and he was able to reconcile the point of view of the South with that of the North, but when it came to the jeopardy of the Union he did not hesitate as to the side with which his destiny was linked.

Our Southern women at least will appreciate Walter Q. Gresham's insistence that at the start it must not be a John Brown servile insurrection. Back of the scenes a single man in a well-oiled complicated piece of political machinery may be most potential. The young men who would have to do the fighting told the statesmen where to head in. That the contest was fierce is shown by the fact that Walter Q. Gresham incurred the charge of being disloyal from no less a man than Oliver P. Morton, the evidence of which the woman preserved and has set forth in this book.[1]

Suggesting to General Crocker in March, 1864, that his negress cook at the Hebron Mansion was a Confederate spy, Confederate officers since the war have said attests the accuracy of the woman instincts and illustrates conditions that the Yankees seldom if ever realized. The devotion of the negro "to his beloved South," as "Pat" Cleburn put it, is conclusively established by the fact that negroes are to-day on the pension rolls of most if not all of the Cotton States.

That there were as good Union men south of Mason and Dixon's line as there were north of it, and slaveholders at that,—Kentucky was full of them,—was clearly known to Matilda Gresham and to Walter Q. Gresham. Senator Zebulon Vance and Mrs. Vance were among their intimates in Washington. In the early days of 1861 all over North Carolina "Zeb" Vance made Union speeches. "If North Carolina goes out of the Union she will go to hell," wound up many a speech that produced conviction. In response to those speeches North Carolina elected delegates pledged to the Union, and in convention assembled those

[1] See pages 136 and 212.

delegates so voted. But when these same delegates, carried away by the hysteria in South Carolina, forgot their instruction and voted North Carolina out of the Union, Vance was one of the first to enlist in the Confederate army, and in 1862, when a colonel, he was elected war governor of the State. And the way he impressed slackers and antebellum fire-eaters into the army accounts for the fact that North Carolina had more men in line at the surrender than almost the whole balance of the South combined.

General Sherman wanted to continue "Zeb" Vance and similar men in office after the surrender.[1] But of this there is no mention in the Southern histories.

As governor of North Carolina "Zeb" Vance encountered the opposition of North Carolina judges, who criticized in habeas corpus proceedings the judgment of Chief Justice Taney in Ableman *vs.* Booth. Other judges upheld that decision and pointed out that the Wisconsin decision, which the Ableman case reversed, if upheld in the Confederacy would do for it what the Wisconsin decision had done for the Union, help split it.[2] To the absence of a Federal judiciary and decisions such as the War Governor of North Carolina encountered Walter Q. Gresham pointed as indisputable proof that "the Confederacy" would ultimately go to pieces. Sitting in for months at the mess table with soldiers, at the dinner table with the planter and the man and woman from the North whose property interests took them South right in the midst of the war, the reader of the Natchez chapters will perhaps be able to agree with Matilda Gresham, that her husband was always considerate of the welfare of the individual man and woman, that is, he always looked on the practical side and saw many things — decisions of the Southern or Confederate Courts — that concerned the men and women of those days that have not been much commented on even in the South.

There is complete corroboration in the recital of facts as set forth in the opinion of the Supreme Court of the United States in Neal Dow *vs.* Johnson, 100 U. S. 158, of what the woman says about conditions in Natchez in 1863 and 1864.

Opposing Walter Q. Gresham's entering Cleveland's cabinet as vehemently as she opposed his entering the "Yankee" army,

[1] Chapter XVII, page 281; Chapter XIX, pages 322 and 324; Sherman's Letters, pages 243 and 245.

[2] In the matter of Bryan's Petition, 60 N. C. 1.

Matilda Gresham, like "Zeb" Vance, yielded to circumstances, and like a good soldier became an efficient supporter of the second Cleveland administration, just as she had supported her husband as a Yankee soldier.

The preparation of this work has been a matter of years. For aid rendered us we are indebted first to S. W. Burnham, the noted astronomer who was Clerk of the United States Circuit Court for the Northern District of Illinois, John H. R. Jamar, Deputy Clerk in that office, Noble C. Butler, Clerk, and W. C. Nicholas and Edward McDevitt, Deputy Clerks, of the United States Court at Indianapolis, Henry Watterson, Samuel B. Kerr, James Surget, Captain Allen G. Bowie, George W. Lindsay, John F. Jenkins, Mrs. S. B. Rumble, Miss Annie L. Rumble, Miss Julia Nutt, Mrs. Rhodes, Mrs. W. P. Callon, Lieut. Aaron R. ("Tip") Stanton of Natchez, Miss., Mrs. Ora Thompson Ross, Mrs. Morris Ross, Judge Kenesaw Mountain Landis, Congressman J. Hampton Moore, Congressman Wm. E. Cox, Henry Vincent, Louis Howland, Hewitt Hanson Howland, William H. Blodgett, Charles W. Smith, Captain Eli F. Ritter, John W. Munday, Robert H. Parkinson, General James E. Stewart, and the banker, Edmund D. Hulbert.

The manuscript has been re-written many times. Even in the proof, many changes have been made, the latter chiefly at the suggestion of Mr. F. G. Browne, who has supervised the making of the volumes and has prepared the elaborate analytical Index.

CHICAGO, OTTO GRESHAM.
September 1, 1919.

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LIFE OF
WALTER QUINTIN GRESHAM
1832—1895

VOLUME I

CHAPTER I
BIRTH, ANCESTRY, AND EARLY YEARS

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I WAS born in Louisville, Kentucky, February 11, 1839. Thomas McGrain, my father, was a native of Dublin, Ireland. After the execution of Robert Emmet, my grandfather kept up his opposition to the British government until he learned that if he would escape prosecution, and perhaps the fate of his leader, he must leave his native land, so he fled to America. He brought with him his two sons —Thomas, my father, then seven, and James, two years younger —and settled at Pittsburgh, Pennsylvania. It was planned that my grandmother, Catherine Bacon McGrain,

and the two daughters, Eliza and Marie, who were older than the boys, should follow when a home had been prepared. But they never came. Instead, on the death of my grandfather, which occurred a few years after his arrival in Pittsburgh, they accepted the invitation of my grandmother's only brother, Major Matthew Bacon, an unmarried man, to make their home with him in Dublin.

Matthew Bacon had entered the British army in early youth as an ensign, served his crown loyally through many grades, mostly in India, until retired as a major, and then lived to a ripe old age. He died in 1867, at No. 3 Hume Street, Dublin, surviving his sister and nieces. After their death my Uncle Matthew wrote, in 1862, that while he would liberally remember his church (the Roman Catholic), he did not propose to leave it his all, and he wanted my sister, Lyde, to come and cheer his declining days. She went to Dublin, lived with him until he died, and then remained there. My father said he was glad to have my sister go because it closed the family breach that had existed since Emmet's time. Matthew Bacon's sympathies, like those of many British subjects, whether Englishmen or Irish, during our family quarrel, as I prefer to call "The War of the Rebellion" or "The War between the States," went with the American government, and he was much gratified that my husband went into the "Yankee" army. Thus he ran counter not only to the views of his government, but also to the views of his nephew, my father, and of his grandniece. I early learned that we should be tolerant of the opinions of others and that political views never should, as they too often do, mar social relations.

My grandfather left some money to his two sons, which their guardian appropriated to his own use. That inbred Irish spirit of revolt and his strong trait of self-reliance prompted my father, while yet in his early teens, to lead his brother from the guardian's home. They went to work for a tinner, the first opening that presented itself. They soon

learned the trade, and before his majority my father had a shop of his own. He prospered, and in due time married Matilda Reed, the daughter of a Presbyterian minister from the north of Ireland. From Pittsburgh, with his young wife, he moved to Frankfort, Kentucky, where he established a tin and hardware store. His business prospered at Frankfort, but he wanted a larger field, so he moved to Louisville, where he built a foundry for the manufacture of stoves. The Louisville venture succeeded from the start. We first lived on Second Street, in the house still standing next to Christ Church on the north. It was there I was born.

My father was born a Roman Catholic, but had become a Methodist. Later on he became a Presbyterian, through the influence of my maternal grandmother, Jane Gray, who lived with us. But with all my father's changes of religion, he never entirely lost his predilection for and connection with the Roman Catholic church. Every Christmas he gave a present to all the Catholic orphans in town. For a time he sent several of my sisters and myself to a Roman Catholic convent at Bardstown, Kentucky.

One day my father brought home with him, from the Catholic orphan asylum, a boy named Daniel G. Griffin, who had come to work in the store. His parents were Irish immigrants, who had settled for a time in Nova Scotia, but died soon after they reached Louisville. I remember my mother saying, "We have eight children now; don't you think we have enough without adopting others?" His answer was Irish: "But, my dear, I was an orphan once myself." That settled it. Dan was received into the family, educated with the rest of us, and sent to the Kentucky Military Institute along with my brother Tom. The only time he ever crossed my father was when he "went in" as Adjutant of the 38th Indiana Volunteers. Before his death and before the close of the war, he was a brevet brigadier general of volunteers.

While my father was a pro-slavery man, he was not, at least at the start, wedded to the system. He early took to other kinds of property than the few slaves he owned. I only remember Horace, the porter in the store, and a few household servants—Winnie Johnson, the cook, her son, Booze, and a couple of maid servants. I called Winn "Mammy." She was always my friend, and made me the confidant of all her secrets, except who was Booze's father. My mother with her Pennsylvania training never could comprehend the negro character, and was not unlike many a woman who had even been reared among them, no match for them in finesse.

In politics my father was a Whig and a great admirer of Henry Clay. On the occasion of one of Mr. Clay's visits to Louisville—it was before 1850—my father took my eldest brother, one of my sisters, and myself to a reception at the Louisville Hotel to see him. I still remember how gracious Mr. Clay was to me, a small girl. When the Whig party broke up and the American or Know-Nothing party took its place in Kentucky, my father became a Democrat, and later, after the assaults of the Abolitionists, an extreme pro-slavery man and Secessionist.

One summer we occupied the country place of General, afterwards President, Zachary Taylor, a few miles east of Louisville on the Ohio River. It was considered an old place even then. It was built in 1790 by Richard Taylor, a Virginian by birth, one of Kentucky's early leading citizens and the father of Zachary Taylor. It still stands well preserved.

There was a path the darkies had, near to and up and down the river, with by-paths which they traveled at night from one place to another. The whole family, including the darkies, lived well. My father's business often took him to New Orleans. He sent us thence oysters by the barrel, bananas by the bunch, and venison by the quarter. Many were the midnight suppers old Winn had in the kitchen. While my father was a most liberal provider, he insisted

on young girls eating light suppers. Often I would get up in the night and partake of Winn's spread. "Just starvin' the chilun to death," she would say. And then when I would not want to get up in the morning and could eat nothing, my father was sure I had eaten too much supper. But he never knew about the second supper. Old Winn was an excellent cook but never had a recipe. After I was grown I asked her for one. Her answer was, "I ain't got no receipt." "How do you cook without a recipe?" I inquired. "I jest makes things accordin' to what I'se got," was her reply. We liked the Taylor place so well we stayed there a year. I remember that at Christmas I saw and enjoyed eggnog for the first time.

The taste for country life thus acquired led my father, on October 10, 1849, to trade with Colonel Peter Kintner for the Cedar Glade Farm, near Corydon, Indiana. A store on Main Street in Louisville was given for the farm. Of course, the Colonel got the better of the bargain. He was able to live in ease in Paris on the rental of the store, which enhanced in value as the years went by, while we lived in Louisville and on the farm, and kept open house at both places.

By the middle of the '50's we gave up our Louisville residence, but my father continued in business there until 1862. My father was not a sharp trader; he never made money that way. He was an easy master. He made it possible for Horace to buy his freedom. Horace was an educated darkey, and the superintendent of a colored Sunday school in Louisville. Before his freedom I often went with him to teach a class of eight little mulatto girls, pretty and almost white. Several were the daughters of their masters.

There was not much severity or physical cruelty visited on the slaves in Louisville or in that part of Kentucky with which I was familiar. The fear of being sold down the river was a great deterrent influence on the slave, and public

opinion had its restraining influence on the master. A sale "down the river" always created a great commotion among the slaves and the children. The slaves never protested to the masters, but the latter always heard of it, for the white children never failed to carry the statements made by the slaves to the elders, would ask questions, and avow their sympathy in terms that hurt more than the assaults of the Abolitionists, who, we were taught, were fiends incarnate.

Winnie, our cook, and her son Booze went with us to Indiana. The boy remained there and thus secured his freedom. While Winnie was in Indiana she was free, but a slave when she returned with us to Kentucky — a status that illustrates the Dred Scott case. But Winnie was only a nominal slave; when she tired of Corydon she would go to Louisville. She died there shortly before the breaking out of the war. One day, when he was making a fire, Booze showed me the inside of his hand and said: "See, Miss Tillie, I'se getting white. I'll be white same as you when I gets to heaven." Flint indeed would have been the heart that would not have been touched by such a plaint! And the generous sentiments of the child were reflected in the utterances of the early Southern jurists.

The Massachusetts Abolitionists like Wendell Phillips were not the only men who at that time realized that slavery was a mistake from an economic standpoint. My father saw it, and it was partly to get away from slavery that he bought his Indiana farm; and yet he became a violent Secessionist. There were men in Kentucky who had inherited slaves, but who, aside from the question of morals, preferred other kinds of property because they regarded it as more profitable and safer. They converted their marketable darkies into other property. The movement down the river was narrowing slave property. And in the Cotton States the negroes were as well cared for as in Kentucky. They were too valuable animals not to have the best of

medical attention. The aged and infirm the Kentuckians could not sell, and they could not emancipate them without giving a bond that they would not become public charges. The bond involved liabilities that young men did not like to incur. They coined the expression "nigger man," which they applied to the man who owned large numbers of slaves. But the great mass of the large slaveholders outside of South Carolina were not Secessionists. They called themselves Coöperationists. "Coöperate and compromise," was their platform.[1]

October 12, 1832, Mississippi prohibited, after May 1, 1833, the importation of slaves to be sold as merchandise, and after January 1, 1845, even actual settlers could no longer bring their slaves with them into the State. But the "unconditional and immediate emancipation" of the Abolitionist platform terrified them, and so "riled" the hotheads that Beauregard fired on the flag at Sumter before Jefferson Davis gave the word. I believe Mr. Davis did not want that shot fired. Recognized as one of the most capable military men of the South, the little Frenchman never afterwards was a favorite of the President of the Confederate States of America. The bombardment of Fort Sumter illustrates the folly of leaving to the discretion of a mere military man the decision as to whether or not a nation shall be plunged into war. Since the war many a Southern man and woman, in the privacy of the home, has made this criticism of Jefferson Davis. At times he left too much discretion to subordinates, at others not enough. Over and over I have heard them say that that shot at Sumter was a mistake. Surely a whole people should not be punished for the mistakes of a few leaders.

While I was a school girl at Corydon, fourteen years of age, I met a young law student, Walter Quintin Gresham. It was at a party. I was the "little girl in a red dress" chaperoned by two older sisters. Not yet twenty-one, tall, handsome, and always well dressed, his antecedents and his

[1] See page 141; also page 254.

character came under the closest scrutiny of my family. He was the pupil of Judge William A. Porter. After the fashion of many of the lawyers of that time, Judge Porter had his office in the same yard or enclosure within which stood the residence, a handsome brick dwelling. The law office in one corner of the lot was one story of two rooms with bookcases extending from the floor to the ceiling on all the walls, and filled to overflowing with text books and reports. It stood under a great elm tree with its front door opening into the street.

Colonel William Gresham, the father of Walter Q. Gresham, was born in Mercer County, Kentucky, September 17, 1802. He was the eldest son of George Gresham, who was born near Petersburg, Virginia, October 9, 1776. Lawrence Gresham, the father of George, was born in England. In 1759, when a small boy, Lawrence was sent to Virginia to live with his uncle —"indentured," it was called. After securing his "freedom" at his majority, Lawrence served for a time in the ranks of the Continental army. While yet a young man, George Gresham joined the stream of emigrants pouring into Kentucky. He "carried along" with him his father, Lawrence, then in feeble health, and his mother. In 1801, in Mercer County, Kentucky, George Gresham married Mary Pennington, the only sister of Dennis Pennington, who was foremost in shaping the constitutional and public policy of Indiana, and who was the first counselor and adviser of Walter Q. Gresham. And safe and sane "Old Uncle Dennis" proved himself to be.

In 1809 George Gresham moved his family, and entered land in Harrison County, Indiana, where the hamlet of Lanesville is now located. He gave ground for the churches and graveyards. In one of these cemeteries there are buried Lawrence, George, and William Gresham, representing three generations, and representatives of several subsequent generations.

The mother of Walter Q. Gresham, Sarah Davis, was

born near Springfield, Washington County, Kentucky, September 15, 1807. Her father, John Davis, a native of Virginia, was of Scotch-Irish descent, and while yet a boy was brought by his father, Edward Davis, with the balance of the family, from Virginia to Mercer County, Kentucky. There were five hundred in the company including the slaves. John Davis married, in Mercer County, Kentucky, Sally Sitz, a woman of Welsh parentage. In 1815 he moved to Harrison County, Indiana, taking with him the minor children of his large family of ten sons and six daughters. Of the sixteen, fourteen lived to be three score and ten and several past ninety, and all reared large families. Sarah, one of the youngest, whose statements were the basis of many assertions in this volume, was but five months short of one hundred when she died.

November 3, 1825, William Gresham married Sarah Davis. They went to live in a log cabin on land his father had entered, within a mile of the father's house. On this spot Sarah lived eighty-one years.

William Gresham was elected by popular vote a colonel in the State militia, and in 1833, although a Whig, was almost unanimously elected sheriff of Harrison County. January 26, 1834, he was stabbed and instantly killed while aiding a constable to arrest a desperado named Levi Sipes.

There survived William Gresham, his widow, Benjamin Q. A. Gresham, two daughters, Mary Andremead and Sadie, and two younger sons, Walter Quintin, born March 17, 1832, and William G., born July 30, 1833.

Sarah Gresham had anti-slavery views as strong as any Abolitionist's. She told her boys stories of the evils of slavery. She often dwelt on the fact that she and her sister had told "Uncle Anthony" in Kentucky that it was a sin to sell Madge down the river from her baby. She took pride in the fact that her father moved to Indiana Territory because Kentucky was a Slave State, and she was fond of telling how, when a very young man, he refused as a gift from his father

a strong young negro to help him in his farming. She was wont to say, "Slavery is a sin." But she could and did "separate the sinner from the sin," for she was tolerant, and instead of envying the Southern women their negroes, she pitied them. With but a few years' schooling in Kentucky and Indiana Territory, and none of the advantages of travel, she had a facility, directness, and force in expressing her views seldom excelled. And what is difficult for most women, she could listen until it was her turn to talk.

In one respect only did the boys give the mother anxiety. It was right for them to go out to battle for the Union,—or, as she saw it, to free the slaves—but she interdicted their going to the Ohio River to swim. In this she could not control them. It was four miles to the river, through rugged, hilly country called "The Knobs," but as elevating to the imagination as the mountains of Switzerland. The boys grew rapidly, and were large and powerful for their ages. Each had a horse, a hunting dog, and a gun, and early developed into good marksmen. They were favorites and natural leaders. At sixteen Ben was stronger than any man in the entire neighborhood, and possessed physical and moral courage of the highest order. As the two younger boys developed, they were only behind Ben, of all the men in the neighborhood, in physical prowess.

As the Gresham boys grew up, they conducted the farm and went to school in a log schoolhouse that stood in the Gresham woods. Walter was the student of the three, and was the image of his father. He studied botany in the fields. He knew every tree, flower, and shrub, and spear of grass, their seeds, and how they germinated. He studied the birds and animals. When fifteen years of age, happy in the possession of his first pair of boots, Walter went to church. The church services were held in the evening in a log schoolhouse. During the service a heavy rain fell, swelling a small creek they had to cross to get home, almost beyond fording. The minister, being a small man, hesitated when they came

to the stream, remarking, "I fear to try to cross." Young Gresham told him if he would get on his back he would carry him across. The minister did so, reaching the other side in safety. Some one asked the boy if he did not feel afraid to undertake it. "No," he said, "why should I, when I had the man of God on my back?"

Dennis Pennington, "Old Uncle Dennis," was appointed by the Circuit Court of Harrison County, administrator of Colonel Gresham's estate, and by the Governor, sheriff of Harrison County, to fill out the unexpired term. He was approaching sixty at the time he became a candidate to succeed himself, and his opponent, a young man, made a speech at a gathering in which he said that Pennington, although a worthy man, was incapacitated, by reason of the infirmities of age, longer to serve the people. In his reply "Uncle Dennis" said he would challenge his opponent to a wrestling bout, and if he could not speedily demonstrate his superiority he would retire from the contest and urge all of his friends to vote for the younger man. The challenge was declined, and Dennis Pennington was triumphantly elected to the only lucrative office he ever held, unless it be taking the census of Indiana Territory in 1815 or the census of Harrison County, Indiana, in 1850.

A Whig in politics, Dennis Pennington never hesitated to oppose the principles and traditions of his party. As a candidate for lieutenant-governor of Indiana, he opposed internal improvements and especially the construction of the Wabash and Erie Canal. He argued that the construction of the railroads, which would soon come, for they were a success in the East, would destroy the utility of the canal and entail a loss of all the money expended on its construction. Limited in education, phonetic in his style of spelling, Dennis Pennington was impassioned at times, and almost always, where many educated and talented men fail, effective as a public speaker. But the people of the northern and central parts of the State went almost solidly

against him and he was defeated. And although much of the water of the Wabash River, it is said, was used in the construction of the Wabash Railroad, its operation soon verified Dennis Pennington's prediction.

"Old Uncle Dennis" was generous with the widow and the young children in the division of the fees which had accrued at the time of Colonel William Gresham's assassination. Samuel J. Wright, for convenience of administration, was appointed guardian of the five Gresham children. But it was only a nominal guardianship. The mother and "Uncle Dennis" looked after them.

The mother married Noah Rumley. From this marriage, there were three children. Anthony—named after Anthony Davis—died in infancy. Mandy and Kate lived to mature womanhood, Kate to three score and ten. For their younger half-sisters, the boys always manifested the greatest solicitude, while the girls in turn thought their big brothers were invincible. They saw them followed by droves of boys, who made the Gresham homestead their headquarters. During a visit to a neighbor in the southern part of the county in the midst of the war, Kate heard a great deal of the Knights of the Golden Circle, and how they were going to subvert the government. While the meetings were held at night, they were not secret, and were attended by men from Kentucky. One morning at breakfast, after an all-night session, Kate said to the head of the family, "Ben and Wat and Bill will soon be home from the army and you had better be careful about your meetings." After that the meetings of the Knights were in secret.

The views of the mother, supplemented by the stories of "Old Uncle Dennis" and the sermons of Dennis's brother, the Reverend Walter Pennington, an itinerant Methodist preacher, made the Gresham boys anti-slavery as they lisped their alphabet. It was partly for Walter Pennington that Walter Quintin Gresham was named.

Because of his relations with Walter Q. Gresham, and

because he was one of the foremost men, if not the foremost man from a practical standpoint, in the formative days in Indiana, Dennis Pennington and his family deserve more than passing mention. He was born in Cumberland County, Virginia, May 18, 1776, the fourth son of Edward Pennington, who reared six children, five sons and one daughter, Mary, who married George Gresham.

In the Fall of 1797 Dennis Pennington rode with Henry Clay much of the way from Virginia to Kentucky. He seconded Henry Clay in the latter's efforts in 1799 to make Kentucky a Free State — she had come in in 1792 as a Slave State — and then went prospecting on the north side of the Ohio River in the Northwest Territory. Meanwhile he farmed, taught school, and married. At Louisville he crossed the Ohio to Clarksville, laid out in 1784 on part of "Clark's Grant" of 150,000 acres of land given by the State of Virginia to General George Rogers Clark and his troops for capturing Kaskaskia and Vincennes.

On his way to the legislature, to conventions, to the river, or just to see the boys, "Old Uncle Dennis" would stop over night at the Gresham homestead. His visits so excited her boys, the mother said, that she sometimes dreaded his coming. "Wat would ask questions until midnight, tumble and toss the balance of the night, and then pester the life out of us for books about France, Spain, George Rogers Clark, and the Northwest Territory."

It was from Dennis Pennington that the Gresham boys first heard the story of how Clark, with a few Virginia troops and frontiersmen, took Kaskaskia and Vincennes, and added to the Union all the territory northwest of the Ohio River. At both these places he found slaves, who had been introduced in 1700, and it was his assurance to the French that Virginia, a Slave State, would allow them "to retain their possessions and to enjoy their ancient rights and liberties," that caused them to side with him and make his conquest of the British garrison at Vincennes

possible. "Early was the seed of strife sown," said "Old Uncle Dennis," and Walter Q. Gresham never forgot this in all his contact with the pro-slavery men.

Uncle Dennis told the boys of his many visits to General Clark; how he often found him in his log home, looking out on the Falls of the Ohio and berating the injustice of his native State and of the National government. Long before General Clark took to strong drink, lands granted to him by Virginia had been sold on execution on judgments that had been taken against him on bills he had drawn on Virginia in payment of supplies for troops who, under his leadership, were carrying her flag to victory and glory. Not until the time of, and due to the efforts of Senator Daniel W. Voorhees, did the United States pay the estate of George Rogers Clark the obligations it assumed when it "took over from Virginia the Northwest Territory." The old man also told the Gresham boys how, in his bitterness and resentment to his native land, General Clark accepted a commission as major-general through Citizen Genet of the French Republic, but for the sole purpose, as Dennis Pennington always contended, "of driving the Spanish from the Mississippi Valley." Their American history the Gresham boys learned as they learned their letters, and as well.

Clarksville, now almost deserted, was at the time of Dennis Pennington's first visit a pretentious village. Located at the foot of "the Falls," General Clark expected it to become a great city, but when the steamboats came it was no place for them at low water, and at high water the swift current and "big eddy" made it a dangerous place for boats to land. The "Buffalo Trail," which became the Vincennes Road from the Falls, ended at Clarksville, for there the buffalo crossed the Ohio River in their migrations from the Illinois or prairie country to Kentucky.

It was out the Buffalo Trail, or the Vincennes Road, turning to the south at the head of "the Knobs," that the

Harbisons, Penningtons, Rumleys, Davises, and Greshams went into the country lying between the Vincennes Road and the Ohio River. And thus it was that the first settlement in Harrison County, south of the Vincennes Road and before the settlement at Corydon, was at Lanesville, nine miles southwest of New Albany, as the crow flies.

It was near Lanesville that William Pennington, Dennis's brother, settled, lived, and died. According to the local historian, elder members of the Pennington family were in advance of Dennis in Indiana, and settled in Lanesville in 1792. But according to the traditions in the Gresham family, the Penningtons were not the first settlers in and about Lanesville. The mother of Walter Q. Gresham is my authority for the statement that Major John Harbison preceded them all.

Major Harbison was a native of Pennsylvania. One of the traditions is that he was a Revolutionary soldier, but more likely he got his title as an Indian fighter. He moved to Kentucky, and there is no doubt he was as desperate an Indian fighter and daring an explorer in the Northwest Territory as Boone was in Kentucky. As a man of affairs and as a legislator he was Boone's superior. That he was in Indiana and camped in and about Lanesville as early as 1792 is possibly true. He may have been there even earlier, for he crossed from Kentucky and Tennessee to the lake region many times, at periods when it was more dangerous to traverse that region than to go through Kentucky.

During the period between the treaty of peace with Great Britain in 1783 and Jay's treaty in 1794, the treaty of Greenville in 1795, and the supplementary treaties with the Indians when the latter finally acknowledged the supremacy of the "Thirteen Fires," the thirteen original States, Major John Harbison was typical of the men who persisted in boring into the Northwest Territory in defiance of the British soldiers still at Detroit and near Fort Wayne, of the Indians, of the congress under the confederation, of Washington

himself, and of the government under the Constitution. Claiming the country by conquest because the ally of the Indians had surrendered at Yorktown, the hardy backwoodsman was as merciless as Walter Q. Gresham thought the government of the United States became to the aborigines.

But when Major Harbison first visited the Lanesville neighborhood, he was not then seeking a place to settle; he was searching for Mrs. English's children, who had been stolen by the Indians. Dr. English was killed by the Cherokee Indians at Bean's Station, Tennessee. Among the children carried into captivity were Mrs. English's two daughters, Elizabeth and Virginia, and a son, Matthew.

"Get me my children and I will marry you," is the way the widow answered Major Harbison's proposal. He first stole Virginia away from the Indians and then effected Matthew's exchange. Elizabeth, who was four years old when she was captured, had lost all knowledge of her own tongue at thirteen when she was recaptured—by "stratagem." Matthew, her brother, when the Major's party located her near Detroit, returned to the wigwams, saying he was disgusted with the whites and would never again leave the Indians. After a few days the Indians' suspicions were allayed, and Elizabeth was allowed to go to a distant spring. There she was prevailed on—almost compelled—by her brother and Major Harbison to start with them at once for Kentucky. After a few years she regained her own language, and in Marion County, Kentucky, married Dennis Pennington.

Virginia English, always called "Jinnie," married William, or "Billy" Pennington, in 1804. It was one of the first marriages in Indiana Territory, and the first in what is now Harrison County. This is a matter of record. They always lived near Lanesville, within a mile of where Walter Q. Gresham was born. Jinnie had a mind of her own. One day, after she and Billy had been married fifty years, with children and grandchildren scattered over several counties,

Billy came home in great trepidation. "Jinnie," said he, "we must hitch up at once and go to Corydon and get married over again. The preacher who married us has been indicted for horse stealing, and the conference has met and taken away his license, thus rendering null and void all his acts. We must get married over again at once, I tell you," Billy concluded. Jinnie argued that a marriage that had been contracted in good faith and lived up to for fifty years could not be affected, no matter what might have happened to the preacher who tied the knot. Billy was insistent, and the discussion became warm. Finally Jinnie closed the debate: "Well, when Jinnie marries again it will not be to Billy Pennington."

Splendidly endowed by nature, Aunt Jennie was a frequent and always welcome guest at the Gresham homestead. Sometimes her visit would run into days. "Aunt Betsy," as Elizabeth Pennington was called, was not behind her sister in natural gifts, to which was added all the finesse and cunning of her childhood's captors. And when it came to Indian stories, Aunt Jennie did not have to draw on her imagination. She had all the tribes and the chiefs at her fingers' ends. She could tell about Harmar's and St. Clair's defeats, and of "Mad Anthony" Wayne's victory, and of scores of Indian fights not mentioned in any of the local histories.

Elizabeth and Virginia English Pennington were supposed to be distant connections of William H. English, the Democratic candidate for Vice-President in 1880, and a leading man in southern Indiana in antebellum days.

Major John Harbison died of cancer on May 1, 1829, and was buried in a cornfield a few rods back of his home and about half a mile west of Lanesville, on the south side of the present New Albany and Corydon Pike and within a mile of where Walter Q. Gresham was born. For years the children were frightened by stories about his ghost and the ghosts of the Indians he had slain appearing just after nightfall. Here it was he built his first log cabin. It was

years before he entered the land, for it was not until after the final treaties with the Indians in 1804 that the land offices were opened up. No stone marks his grave, although for that time he was a man of means and owned much realty. In 1818 it is recorded he sold one tract for $2,000 cash. His will, which was probated May 4, 1829, and recorded in Will Record "A," at page 154, discloses that while he acted with Dennis Pennington in politics as an anti-slavery man, he did not free all his slaves.[1] The appraisement of his personal property is interesting as disclosing the values of that time. One bay mare and colt were valued at $30; one speckled cow and calf, at $7; one long-horned cow and calf, at $10; while a white-backed heifer was considered to be worth $3. Seventeen head of young hogs were valued at $12; one clock, $30, and one secretary, $20.

A grandson of Major Harbison, James Harbison, was a schoolmate of Walter Q. Gresham. During the Civil War Jim belonged to the Knights of the Golden Circle, but was one of the Knights who voted for Gresham for Congress in 1866 as against his own party candidate, Michael C. Kerr.

Elvira Boone was the first white child born in southern Indiana outside of Clark's Grant. She was born at Laconia, Boone Township, Harrison County, in 1804. Elvira's father, George Boone, was a cousin of Daniel Boone. George Boone and Squire Boone, a brother of Daniel Boone, were among the early settlers in what is now Boone Township, Harrison County. They were friends and fellow explorers with Dennis Pennington, but, unlike him, they were pro-slavery men.[2] As woodsmen, the Boones were

[1] "I give and bequeath to my beloved sister, Ann Porter Shaw, late Ann Porter Harbison, a certain negro woman (now in her possession) by the name (I think of Fannie), which negro woman was given to me by my mother to have and to hold, the said negro woman, together with her issue, during my said sister's natural life and at her death to descend to the heirs of her body to have and to hold the same forever." (Mrs. Shaw then lived in Lexington, Ky.)

[2] In Miscellaneous Record "A" of the Records of Harrison County, at page 42, under date of May 12, 1812, Isaiah Boone of Boone Township, Harrison County, Territory of Indiana, by deed, "for a good and valuable consideration," emancipated his slave Amy, twenty-one years of age. Immediately following is an indenture which Amy signed by her "X" mark, in which, in consideration of clothing and sustenance, Amy bound herself to serve and obey Isaiah Boone and his heirs and assigns for a period of seventy-five years.

Dennis's superiors, but when it came to politics, Dennis Pennington, supported as he was by his stepfather-in-law, Major John Harbison, excelled them, as he did the other pro-slavery men. After Indiana became a Free State some of the Boones returned to Kentucky. One, Hiram, became one of the large slaveholders in Meade County, and after the Civil War moved to Texas.

It was in the Summer of 1801, or 1804, most likely the latter year, that Dennis Pennington and his party of explorers selected the forks of Indian Creeks, now the town of Corydon, as the site of his future habitation. There were schools of fish in the streams, and game abounded. They made a small clearing, planted some turnip seed, and went back to Kentucky for the women, children, and household effects. When they returned six weeks later, they were surprised to find the deer had not disturbed the turnips, which had fully matured. Within the present boundaries of Corydon, Dennis made his camp and built his log cabin near the spring, in part shaded by the great Constitutional Elm, so called because some of the sessions of the convention that adopted Indiana's first constitution were held under its expanding arms.

In 1815 Dennis Pennington moved to a point four miles northwest of Corydon on the Vincennes Road —"the Barrens" it was called, because of the absence of timber. His brother, Walter, soon joined him there. Here they built a log Methodist meeting-house — Pennington's Chapel. In the old churchyard sleep Dennis and Walter and many of the younger generations of the Penningtons.

Before selecting the Corydon site, Dennis Pennington made a number of trips through the Indiana wilderness. On one he followed the Buffalo Trail from Clarksville to Vincennes, where he first met William H. Harrison, who, on January 10, 1801, assumed the reins of the Indiana territorial government, which had been organized March 3, 1800. He had previously visited Cincinnati and Chillicothe, the

latter the capital of the Northwest Territory. At Chillicothe he conferred with General St. Clair, the Governor of the Northwest Territory, and also with Thomas Worthington, a Virginian who had freed his slaves, about fifty in number, and moved with them in 1797 to Ross County, Northwest Territory, settling near Chillicothe. The anti-slavery people in that part of the Northwest Territory—soon to become the State of Ohio—had succeeded in being cut off from their pro-slavery fellows in what is now Indiana and Illinois.

Never for self or pelf, and one of the best practical politicians of his or any other time, Dennis Pennington decided to go into the contest in Indiana. As a matter of policy he supported Governor Harrison and Attorney-General Randolph, a pro-slavery Virginian, in their official aspirations.

December 28, 1802, Governor Harrison, as president of a convention that he had been instrumental in assembling in Vincennes, memorialized Congress to suspend for ten years the Sixth Article of the compact between the United States and the people of the Northwest Territory, "*that there shall be neither slavery nor involuntary servitude in said territory*, because it had prevented the country from populating and had been the reason of driving many valuable citizens possessing slaves to the Spanish side of the Mississippi."

It was from the lips of that old Virginian, Dennis Pennington, that Walter Q. Gresham first learned that it was John Randolph of Roanoke, the chairman of the committee of the House to which this memorial was referred, who on March 3, 1803, wrote the report against it.

Then, on September 22, 1803, Governor Harrison and Judges Vanderburgh and Davis provided for the introduction of slavery under the indenture system and made these indentures assignable. These laws were mainly copied from the Virginia and Kentucky codes. Under the ordinance of July 13, 1787, until the legislative period arrived, the governor and judges were the legislative body. Indentures

drafted under these laws were for forty, fifty, and ninety years. Judge Vanderburgh was a slaveholder and he held slaves until his death at Vincennes in 1817.

Indiana Territory having attained a population of 5,000, the requisite number under the ordinance of July 13, 1787, to entitle it to a legislature, its first General Assembly was elected, met at Vincennes July 2, 1805, and confirmed the governor's and judges' indenture law. Under the ordinance, while the lower house of the legislature was elected by the people, the upper house, or the "council," as it was called in the ordinance, composed of five members to serve for five years, was selected by the president from ten names nominated to him by the members of the House. Instead of selecting the five men, President Jefferson delegated this authority to Governor Harrison by inclosing to the governor commissions signed in blank. Governor Harrison filled in the blanks with pro-slavery men. And thus it was that the Second General Assembly of the Indiana Territory, on September 17, 1807, without the pretext of the indenture laws, provided for the introduction of slavery into the territory. Herein lay the cause of the Reverend Walter Pennington's bitter assailment of Thomas Jefferson.

These laws, retained by the Illinois territorial legislature and validated by the Illinois Constitution of 1818, became infamous in history as "The Illinois Black Laws." In them Abraham Lincoln could not even make a dent. The Illinois Supreme Court was rendering decisions on the question of slaves and the Black Laws until 1865.[1] And not until the adoption of the Fourteenth Amendment to the Constitution of the United States were they finally got rid of.

October 10, 1807, Dennis Pennington was one of the speakers at the famous mass meeting at Springville, Clark

[1] Cornelius *vs.* Cohen 1 Breeze 131, 1825.
Nance *vs.* Howard 1 Breeze 242, 1828.
Phœbe *vs.* Jay 1 Breeze 268.
Bailey *vs.* Cromwell 3 Scammon 71, 1840.
Kinney *vs.* Cook 3 Scammon 232, 1840.
Sarah *vs.* Borden 4 Scammon 341, 1843.
Thornton Case 11 Ill. 332, 1849.
Homes *vs.* Ammons 14 Ill. 29, 1852.
Rodney *vs.* Ill. Cent. R. R. Co. 19 Ill. 42, 1857.

County, Indiana, at which the doctrine of "Squatter sovereignty," or "Leave it to the people," was first advanced. Springfield was the first county seat of Clark County. Not a vestige of it remains to-day.

After reciting the history of the slavery question, the Resolutions proceeded:[1]

> As to the interest of the Territory, a variety of opinions exist; but suffice your memorialists to state, that it is a fact that a great number of citizens in various parts of the United States are preparing to and many of them have actually emigrated to this territory *to get free from a Government which tolerates slavery*. The institution of slavery is either right or wrong, and if Congress should think with us, that it is wrong, that it is inconsistent with the principles on which our future constitution is to be formed, your memorialists will rest satisfied that at least this subject will not be by them taken up until the constitutional number of the citizens of the Territory shall assume that right.

Congress concluded to leave it to the people. As to who actually drew this Springville memorial, the record is silent, but as to who wrote its principles into the statute and constitution of Indiana, there is no ground for speculation. "Let Governor Harrison be reappointed and let Jonathan Jennings go to Congress; what we want is the legislature," said Dennis Pennington.

February 27, 1809, Congress amended the ordinance of July 13, 1787, providing that the councillors, or upper branch of the legislature, should be elected by the people, and authorizing the governor to apportion the territory for this purpose. In the apportionment a councillor and a member of the House were given by Governor Harrison to Harrison County, which on April 11, 1808, had been organized out of Clark and Knox counties.

At the election, April 2, 1810, Major John Harbison, Dennis Pennington's stepfather-in-law, was elected councillor from Harrison County, while Dennis Pennington himself was elected from that county to the House, where the

[1] See pages 58 and 112.

anti-slavery men were in an overwhelming majority. When they assembled, over anti-slavery men like John Paul and Richard Rue, soldiers of George Rogers Clark and General William Johnson, Dennis Pennington was elected Speaker of the House, and continued to be re-elected to that position at each succeeding session of the territorial legislature.

At the first session in 1810, not only did Dennis Pennington lead in repealing the legislation we have mentioned, but he took the affirmative and helped pass the acts prohibiting the introduction of *indentured* negroes into the territory, the act against the unlawful removal of negroes from the territory, and the act against kidnapping. The kidnapping of a favorite, and there were such cases, aroused the greatest resentment among the anti-slavery people.

Repressive laws against emancipation and attachment for certain of their slaves, especially those who had been domestic servants, brought many negroes or mulattoes to the Northwest Territory. The few slaves the Penningtons owned they freed before they left Virginia. But "Aunt Fannie" did not want to be left behind, so she was carried along to Pennington's Chapel. She lived for years in Walter Pennington's family and died one of the free negroes of Corydon.

It was the rough and uncouth Dennis Pennington who drove Governor Posey out of Corydon, not the chills and malaria, for there was just as much of the latter in early days on Silver Creek, at Clarksville, and on Beargrass, at Louisville, as on Indian Creek, at Corydon. A Virginian by birth, rising to be a colonel in the Continental army, General Posey had been a member of the Kentucky legislature and a senator from Louisiana before President Madison appointed him Governor of Indiana. Succeeding Governor Harrison, the head of the pro-slavery party, Governor Posey at sixty-three, in feeble health and never much of a politician, was no match for Dennis Pennington, then in his prime, with the territorial legislature in the hollow of his hand.

As the census enumerator in 1815, Dennis Pennington carried the anti-slavery propaganda into every household. And as a means of stirring up the people to elect the right kind of delegates to the convention that had been authorized to submit a State constitution, Dennis Pennington objected to Governor Posey to the return of negroes and mulattoes claimed as fugitives—and there were such—without what is now called "due process of law," or contrary to his act against kidnapping and the fugitive slave law that President Washington had signed. June 10, 1816, that convention, with Dennis Pennington one of its members, met and wrote a clean-cut anti-slavery clause in the constitution for the State of Indiana.

The efficiency of Dennis Pennington's system is attested by the fact that during the decade from 1810 to 1820, the number of free negroes in Indiana increased from less than 400 to over 1,200, while in Illinois they decreased from 600 to 450. During the same period, the number of slaves in Illinois, under the "Black Laws," increased from 168 to 917. In Indiana, in 1800, there were but 28 slaves; in 1810, 237, due entirely to the governor's and judges' laws. The territorial legislation of 1810 arrested their increase, and in 1820 the Indiana Supreme Court,[1] at one sitting, in construing the anti-slavery clause of the Indiana constitution freed all slaves then in the State except the few who were held as slaves prior to the ordinance of June 13, 1787. In keeping faith with the French at Kaskaskia and Vincennes, Governor St. Clair with Washington's approval had held that the ordinance did not free any persons who were slaves on and prior to the date of its enactment.

Dennis Pennington also helped to abate the pro-slavery movement to Missouri via Clarksville and the Vincennes Road. If the negro slave, while his master was on his way through Indiana, ran off, the master received no aid from the State in capturing the runaway. The Louisiana Supreme

[1] *In re* Clark, 1 Blackford 122.

Court had declared that one breath of free air with the master's consent rendered the slave forever afterwards free. But in Illinois it was different.[1] The "Black Laws" and "comity will protect the slaveholder" while passing through Illinois. Hence it was that the route via Shawneetown, Illinois, to Belleville and East St. Louis, and thence across the Mississippi, became the popular route for the Kentucky and Tennessee slaveholder migrating to Missouri.

One day Dennis Pennington said, "Boys, the capital will have to leave Vincennes and come to one of the river counties. For us to get it at Corydon, we must have ready a fine county courthouse, suitable for the capitol, in which the Legislature and Supreme Court may meet, when we ask them to come." Accordingly, in 1811, the Harrison County Courthouse was completed. It is still standing, a two-story building, sixty feet square, with walls of stone two feet thick. One of the few historic buildings in the Mississippi Valley, the State has taken steps to preserve it.

February 12, 1813, Dennis Pennington, as a member of the legislature from Harrison County, introduced the following resolution: "*Resolved*, that the capital be removed from Vincennes, because it is dangerous to continue longer here on account of threatened depredations of the Indians, who may destroy our valuable public records." It passed unanimously. Then the lobby talked about Harrison County's fine courthouse. March 11, 1813, Corydon, by the act of that day, was named the capital from and after May 1, 1813. There it remained until 1824, when it was moved to Indianapolis.

When the Mexican War came on, Ben Gresham was nineteen. He and Edward L. Pennington, of the second generation of Penningtons, immediately enlisted in the Second Indiana Volunteers. Pennington was elected second lieutenant, and Ben, over many men twice his years, first sergeant of Company "I" of that regiment. Its colonel,

1 Williard *vs.* People, 4 Scammon 461, decided in 1844.

William Bowles, was a friend of Jefferson Davis, and afterwards, as a member of the Knights of the Golden Circle, in southern Indiana, received a commission from the President of the Confederate States of America. This regiment was afterwards called the "Running Regiment." But Ben always claimed that the running retreat at Buena Vista was due to express orders which he heard Colonel Bowles himself give.

The return of Ben from the Mexican War enabled Walter, then seventeen years of age, to accept the place "Uncle Dennis" had arranged for him in the office of his guardian, Samuel J. Wright, auditor of Harrison County. The boy entered upon his work with a zest. His first task was as minute clerk to the board of county commissioners. His nights were devoted to study. When fall came, he retained his position, doing his work at nights, and attended the Corydon Seminary, conducted by James G. May, a descendant of the North Carolina Quakers who settled Salem, Washington County, Indiana. In two years young Gresham completed the course of study in May's Academy. His acquaintance grew rapidly, and he soon was a general favorite with all classes in town.

That service as amanuensis to the board of county commissioners was an admirable apprenticeship to the law. "Uncle Dennis" divined what was in his favorite. An order that the boy wrote—helped formulate—at the dictation of the three unlettered men, he soon heard denounced on the streets of Corydon by Samuel Keen, an eminent lawyer, as the "ultimatum" of the board of county commissioners. "They possess more power than the Legislature, the Governor, and the Supreme Court combined," declared the irate lawyer. One of the anomalies of our American system is that boards of county commissioners possess legislative, executive, and judicial powers of the highest order.

William T. Otto, who lived in New Albany, but whose

duties as Circuit Judge brought him to Corydon at stated intervals, took an interest in the young student and early directed his reading in the English classics. Judge Otto, a native of Philadelphia, where he studied law in the office of one of the Ingersolls, and afterwards became reporter of the Supreme Court of the United States and one of the best educated and accomplished lawyers of his time, united with "Old Uncle Dennis" in advising the boy to study law, and stimulated the youthful mind by legal stories. One that made an indelible impression was how Horace Binney, the best of all the Philadelphia lawyers, spent a year in London, England, searching the unpublished records, and reviving the memory of the old clerks who could tell of the saying of this or that chancellor, and then came back and defeated Daniel Webster, in the Girard will case.

Meantime Walter Q. Gresham was transferred to the office of the clerk of the courts of Harrison County. When court was in session he entered the orders in the order book as they were made by the judge, and in vacation made up a complete record of the decided cases. In this way he acquired an insight into the practical workings of a lawsuit and learned much of the unwritten law precedents and gossip that is so valuable to the practicing lawyer and judge on the bench.

The Winter of 1850 and 1851 he again taught a term of school in the log schoolhouse on the Gresham farm. He had taught his first term before he turned sixteen. He was an exacting teacher, and more progress was made by pupils in that six months than in the same length of time before or since, according to the statements of some of those who were in attendance. School out, he returned in the spring to Corydon and worked in the office of the clerk of the county until the following September, when he entered the Indiana State University at Bloomington, where he remained but one year.

In September of 1852 he took up the study of law in

the office of Judge William A. Porter, who was a graduate of Miami University and had settled in Corydon in 1827. In his legal education, so far as it bore on the slavery question, he was fortunate, as will appear in the next chapter, in his technical legal preceptor, whose exposition of the underlying principles, with the concrete illustrations from actual life which "Old Uncle Dennis" furnished, were so luminous that it was a delight to dig into the musty law books. Judge Porter, the typical old-style lawyer, tall, gaunt, cold, calculating, well-to-do, and conservative to the last degree, was a master of his profession. He had served as prosecuting attorney and probate judge, and for those days was a lawyer of wide practice and experience. He also had had much experience as a legislator, having served four terms in the Indiana legislature, during one session as speaker and two terms in the Upper House or Senate. In those days there were few law schools. The one connected with the State University at Bloomington, in which Judge Otto was a professor, Walter Q. Gresham had not the means to attend. But he gained from Judge Otto as much as he would have derived as a member of his law school—more, perhaps. Judge Porter was a teacher as well as lawyer, who, according to the usages of those times, took the pains to instruct his pupil. The practical knowledge of forms and court procedure that Walter Q. Gresham had acquired dispensed with instructions on theories. It was with principles that the judge familiarized his pupil. And in the beginning of that course parts of Blackstone's and Kent's Commentaries, definitions and legal terms, were so well memorized that they never were forgotten. Environed as he was, Walter Q. Gresham gained a better literary and legal education than nine-tenths of the modern college and law school graduates.

In that little office under the great elm tree he spent his days and most of his evenings for almost two years. Meantime he joined the Masons, mingled much with the people

of the town, went to parties, and deprecated the activities of the Underground Railroad.

April 1, 1854, on the motion of Judge Porter, young Gresham was admitted to practice in the Circuit and Common Pleas Court. Soon afterwards a partnership was formed with Thomas C. Slaughter, his senior by fifteen years, under the firm name of Slaughter and Gresham. Mr. Slaughter was a man of much business and legal ability.

The junior member brought to the firm an important piece of litigation. May 18, 1854, the partition suit of Stanley Young, Jr., against his brother Robert H. Young, his mother, and his other brother and sisters, was begun in the Harrison County Circuit Court. Stanley Young, Jr., had been a schoolmate of Mr. Gresham's at Corydon. There was a bond of sympathy between them in that each had lost his father at the hand of an assassin.

Although not of age, Stanley Young had been named as one of the executors of his father's will. During the July term, 1850, of the Harrison County Circuit Court, Colonel William C. Marsh shot and killed St. Clair Young, Stanley's father, in a quarrel which grew out of a trivial affair. Marsh was indicted for murder, but after continuing the case from term to term, his lawyer, Samuel Keen, in September, 1853, when the State was not ready, forced it to trial, and secured a verdict of "Not guilty." Judge Otto was on the bench. Both Marsh and Young had large farms on the Ohio River and were men of wealth for those days. St. Clair Young left a large amount of personal property and much real estate in Harrison County, also property in Meade and Hardin counties, Kentucky. In the will, which was written in his own hand, Young recited that one of his sons-in-law, John Timberlake, had received more than his wife's share of the estate, which should be considered as an advancement in adjusting the interests of the other children, and that as he disliked him, his son-in-law Timberlake should account to the estate for all over

and above what Mrs. Timberlake would take as an heir. By another provision a trust was created for the benefit of Mrs. Timberlake and her minor children. But in the event that she should marry again, it was provided she should lose certain provisions that were peculiarly favorable to her. She promptly renounced the will and took what the law allowed in such cases. It was a complicated lawsuit from the beginning, and was not finally settled until August, 1861. Stanley Young was a delicate, silent young man, but a thorough gentleman. Unlike Mr. Gresham, he cherished a resentment against the slayer of his father. At first it was expected, or rather feared, that some day he might resort to violence. As the years passed and nothing happened, it was supposed that he had forgotten his malice, when, suddenly, in 1858, during a term of court at Brandenburg, he shot Colonel Marsh dead without warning, and at the risk of killing his friend and attorney, Mr. Gresham.

As a lawyer, Walter Q. Gresham was a success from the start. He developed at once into a good advocate, without the florid style of oratory then so common. He possessed invective and could be impassioned, but in the main he addressed himself to the reason of his hearers, whether on the bench, on the jury, or at the hustings. He studied the reports of the English common law and chancery courts, and especially the decisions of Chief Justice Marshall and Chancellor Kent, and attempted to acquire their exactness of language and clearness of statement. Simplicity coupled with clearness is the most powerful weapon in debate. He early realized the flexibility of the equity principles of Chancellor Kent, in seeking fraud and deceit, and was able to apply them at the bar and subsequently on the bench. The moral side never escaped him. The expression, "sound in morals as in law," afterward used from the bench, sometimes brought criticism on him, from lawyers, litigants, and interests whose schemes to defraud he would "cut across lots" to circumvent.

One of his contemporaries, a Virginian by birth, Judge W. N. Tracewell, himself a successful practitioner, told me that up to the time Walter Q. Gresham went on the bench he enjoyed the trial of a lawsuit more than any man he ever knew. As a young man, he had no fear of meeting the older members of the bar and was put up against them by his partner and his old preceptor.

The practice of Slaughter and Gresham extended to a large part of the Second Congressional District, which was composed of the counties of Clark, Floyd, Harrison, Crawford, Perry, Scott, Orange, and Washington. The partners went regularly to all terms of court in Crawford, Orange, Washington, and Perry counties. Judge Slaughter was born in Corydon, but his parents were Kentuckians. The firm also had business in Meade, Hardin, Breckinridge, and Hancock counties, Kentucky, and, in turn, had much of the business of the Kentuckians who came to the Harrison County courts. In those days, there was great commerce on the Ohio River, and much admiralty business fell to the firm of Slaughter and Gresham. Mr. Slaughter was of a delicate constitution, and as he disliked traveling, the circuit rounds of this work devolved on the younger man, and it was to his liking. His old preceptor, Judge Porter, employed him to look after much of his business and to try or assist in the trial of all cases on the circuit. He followed the business of the firm to the Supreme Court of the State and in the Federal courts at Indianapolis. And as a young housekeeper, I know their practice was remunerative.

CHAPTER II

THE "UNDERGROUND RAILROAD"

PERSONAL LIBERTY LAWS — THE SOMMERSET OR "NEGRO CASE" — MAN STEALING ACT AND JOINT RESOLUTION — FUGITIVE SLAVE LAWS — PRIGG CASE — CALIFORNIA GOLD RUSH — WENDELL PHILLIPS HOLDS MASSACHUSETTS OUT OF THE UNION BUT WEBSTER ENFORCES THE NATIONAL LAW — WALTER Q. GRESHAM NO ABOLITIONIST.

WALTER Q. GRESHAM was in politics before he was admitted to practice at the bar.

From Louisville the Ohio River runs to the southwest, and then to the northwest, describing almost half a circle, only thirty miles across, but sixty-four miles around. In this big bend, carved out, as it seems, from the State of Kentucky, is the largest part of Harrison County, Indiana. Corydon, the county seat, farther south than Louisville, is fourteen miles from the river at almost all points. A road leads south from Corydon to Mauckport, the "seaport" of Harrison County, as it was facetiously called. The Mauckport Road was one of the first highways constructed in southern Indiana. Then two miles up the river bank it runs to the ferry crossing to Brandenburg, the county seat of Meade County, Kentucky. This large river frontage and other roads converging from the river into the Mauckport Road and into Corydon's principal north and south street, from which a road leads north to Salem, the county seat of Washington County, and crossing the New Albany and Paoli Pike, made the main street of Corydon the principal thoroughfare of the "Underground Railroad." Two and a half miles south of Corydon, on the Mauckport Road, "Bill" Crawford maintained the first "station" on the Underground

Railroad, north of the river. His so-called farm, in the hills and hollows, was admirably adapted for concealing a fugitive. He would keep a negro a week if necessary, it was said; and he did not finally go out of business until after the Emancipation Proclamation. The next "station" north was at John Rankin's, fifteen miles north of Corydon, near Fredericksburg, on the New Albany and Paoli Pike. Thence different roads were taken north to the Cincinnati and St. Louis Railroad.

From the earliest time, up that Mauckport Road came the kidnapper and the fugitive. The anti-slavery people always claimed the kidnapper was in the advance.

While the great mass of the people of Corydon and Harrison County considered it disreputable and dishonorable to aid a fugitive slave, young men fond of hazard and adventure considered it great sport to aid a negro's flight from "Bill" Crawford's to John Rankin's. Public sentiment was with those men in Corydon who made it a practice to catch runaway negroes. The rewards ranged from $100 to $250, according to the value of the fugitive. Captures occurred right in the town. Sometimes the negroes were sent through the town late at night, unguarded, on foot. It was then they were caught. But under guard of the Corydon boys, the fugitives went through in safety. There were men in Harrison County who, in collusion with men in Kentucky, would encourage a negro to run away, that they might recapture him and then secure a reward. Names might be mentioned, but it is not necessary.

Around Corydon, a mile and a half to the west of "Bill" Crawford's, but coming back to the Salem Road on the north, was another branch of the underground line. It was through "Cousin Zack" Pennington's farm. The way was pointed out by Pilot Knob, rising above the hills two miles west of Corydon, but discernible for miles. "Zack" Pennington, a son of "Uncle Dennis" Pennington, was, in 1848, a mature man with a growing family. He defied

public sentiment and his father's advice and received the fugitives in his own home. With Zack's rifle and Zack's two boys, Dixon at first, and Matthew later on, at his heels to carry the game, Walter Q. Gresham scoured the woods west of Corydon and "always brought home plenty of squirrels for supper," said "Mat," in speaking of those early days. Dick at seventeen and Mat at fourteen were among the first Union volunteers. Mat had to run off, as many another boy, and lied about his age to get in.

When Walter Q. Gresham first became minute clerk for the board of county commissioners, his legal guardian, Samuel J. Wright, the county auditor, was encouraging the boys on the "Underground Railroad." But the boy did not lose his head. Headstrong as he was, afterwards criticised, it was merely the courage of his convictions; no man was more amenable to reason, deferential to the wise and humble, or more often sought advice and information. Dennis Pennington was still dispensing justice as a justice of the peace. Mellowing with age the old man was one of the best informed of men on the workings of our dual form of government. Controversies that were beyond his jurisdiction as a justice were submitted to him as an arbitrator. The first official mention of Dennis Pennington is the record that, on July 10, 1807,[1] Governor Harrison appointed him a justice of the peace in Clark County. As a territorial magistrate he possessed almost as much power as a Justice of the Supreme Court—he decided whether a man was free or slave.[2] He

[1] Dennis Pennington was in the Indiana state legislature as a senator at the sessions of 1816, 1817, 1818, 1819; then he was out two years. He came back and served in the House during the sessions of 1822 and 1823. There was no session in 1824. Then he was in the Senate in 1825 and 1826. The session of 1827 he missed. The sessions of 1828 and 1829 he was in the House. The sessions of 1830, 1831, and 1832 he was in the Senate. Then he was out until 1842, when he came back and was a member of the House in 1843, 1844, and 1845.

Oliver H. Smith, afterwards a United States senator from Indiana, said: "I became acquainted with Dennis Pennington when we were members of the legislature at Corydon in 1823. The journals of the state library are full of the acts in a representative capacity of Dennis Pennington. He was a warm personal and political friend of Henry Clay."

[2] Section 3 of the Act of February 12, 1793: "That when a person held to labor in any of the United States, or in either of the territories on the Northwest or South of the river Ohio, under the laws thereof, shall escape into any other of the said states or territories, the person

liked power and he knew how to wield it. In his judicial and legislative capacity he studied due process of law as written in the ordinance for the organization of the Northwest Territory, and the Sommerset case, that he might properly construe the fugitive slave clause of the National Constitution and the fugitive slave law that President Washington signed. In his long legislative career, Dennis Pennington had accumulated a large library of session laws, revised statutes, and congressional records,[1] and had an intimate knowledge of men and events that is not in the books. He had a pamphlet copy of the arguments of the lawyers and the decision of Lord Mansfield, June 22, 1772, in the case of James Sommerset *vs.* Charles Stewart, or "The Negro Case," before it got into the law reports. Many a night the school boy, apprentice to the law, and law student, spent at "Old Uncle" Dennis's home. In the evening, when there was no farmer going out with whom he might ride, he easily covered the four miles on foot, and rode in the next morning. "He milked me dry," the old man said, in telling of these visits.

It was "Old Uncle Dennis" who first put Walter Q. Gresham to reading that second great declaration of human rights, the ordinance for the organization and government of the Northwest Territory, and pointed out that it embraced what the first did not, the poor degraded African, or "the

to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and take him or her before any Judge of the Circuit or District Courts of the United States residing or living within the state, *or before any magistrate of any county or city* or town corporate, wherein such seizure or arrest shall be made. And upon proof satisfactory to such judge *or magistrate*, either by oral testimony or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the state or territory from which he or she fled."

Section 4 of the Judiciary Act of Sept. 24, 1789, which organized the Supreme, Circuit, and District Courts of the United States, made the Justices of the Supreme Court members of the Circuit Courts.

[1] January 19, 1846, at the adjournment of the thirteenth session of the Indiana legislature, the House adopted the following resolution:

"Resolved unanimously: That the thanks of this House be tendered to the venerable gentleman from Harrison County, Dennis Pennington, for his kind and fatherly treatment of the members of the House individually during the present session and for his long and faithful service to the state during the whole period of its existence."

nigger,"[1] as the old man called him. Walter Q. Gresham was with Uncle Dennis when he died in September, 1854, and he often remarked that he never forgot the clearness of vision, the fortitude and faith, the old Virginian exhibited to the last.

Judge Porter, from whom, as has been noted, Mr. Gresham obtained his technical legal education, had kept up a most excellent brief on the subject of slavery which he had started in his legislative career. It commenced with the Sommerset or "The Negro Case," and Section 4 of Article 4 of the Constitution of the United States. On its purely political side there was—

(1) The pro-slavery side or Calhoun theory, with all constitutional provisions, legislation, and decisions to support it;

(2) The Abolitionist's view as developed by Wendell Phillips, the ablest lawyer, perhaps, of his time;

(3) The Free Soil theory;

(4) The statesman's side, that of Clay and Webster.

According to the record, as the lawyers say, in 1769 Charles Stewart, a Virginian, took one of his slaves, James Sommerset, to England. Lord Mansfield's antipathy was especially to Massachusetts and this may be the reason why the gossip was that Sommerset was a Massachusetts and not a Virginia slave. The case was elaborately argued and fully reported, first by printed pamphlet, then in 1774 in Lofts' Reports, and again in 1814 under the title of "The Negro Case" (20 Howell State Trials 1). It was not fair, the pro-slavery lawyer said, for the reporter, years after the decision, to publish an elaboration of Hargrave's argument that was not delivered in court, and besides, Mansfield was a partisan and not a fair judge. Be this as it may, it was the lawyer's

[1] Section 6 of the ordinance of July 13, 1787: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service aforesaid."

method of hitting at the British Empire and the American Republic because they still recognized slavery.

But even in the pamphlets and in Lofts' Reports there is practically every argument against slavery. There are there the natural, inherent, inalienable rights of man as first set forth by Montesquieu, Vattel, Locke, and the other philosophers. The history of slavery from antiquity and its abolition is traced. And it was shown by Blackstone how that species of slavery known as "white villenage" had long been abolished in England. There were the propositions: "As soon as a man puts foot on English soil he is free," and "The same is the law of France."[1]

This was the case:

On December 3, 1771, affidavits were made by Thomas Wilkin, Elizabeth Cade, and John Marlow, that James Sommerset, a negro, was confined in irons on board a ship called the *Mary Ann*, John Knowles, commander, lying in the Thames, and bound for Jamaica. Lord Mansfield, the celebrated Chief Justice of the Court of Kings Bench, the highest common law court in the Kingdom, by a writ of habeas corpus, commanded Captain Knowles to produce the body of Sommerset, with the cause of his detention. December 9, Captain Knowles answered that he held Sommerset as the negro slave of Charles Stewart, a Virginian, who had delivered Sommerset into his custody to be carried to Jamaica and there sold as a slave. It further appeared that Sommerset had been apprehended in the wilds of Africa by slave dealers, carried to Virginia, and there sold to Stewart, a planter. That having business in London, Stewart brought Sommerset along as his valet, but while in England, Sommerset ran away, was apprehended by force of arms, and put on board the *Mary Ann*.

At first Lord Mansfield recommended an adjustment, as it was suggested on the record before him that there were at that time "14,000 or 15,000 African runaways and valets and servants in England" who would be affected by his ruling.

[1] See page 81.

As a matter of fact, it is doubtful if there ever were as many as 14,000 negroes in England. A settlement failing, the questions were referred to the full bench for argument. June 10, 1772, the argument ended. Again Lord Mansfield advised an adjustment—even suggested an application to Parliament—and in concluding his remarks said: "If the parties will have judgment, '*fiat justitia, ruat cælum*'—'Let justice be done, though the heavens should fall.' "

June 22, 1772, his lordship delivered the opinion of the full bench. It was short and to the point, only three pages in length. It was the kind, Walter Q. Gresham said years afterwards, when on the bench himself, "that produces the conviction that the court at least believes what it says." His lordship concluded: "The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law. . . . It is so odious that nothing can be suffered to support it but positive law. . . . I cannot say this case is allowed or approved by the law of England, and therefore, the black must be discharged."[1]

Eleven years before Hargrave's argument and Lord Mansfield's opinion, an American lawyer, James Otis, for the first time in a practical way brought to the attention of the colonial crown judges the natural, inherent, and inalienable rights of man as set forth by the philosophers Vattel and Montesquieu. It was in a lawsuit in February, 1761. "Then and there was the child Independence born."

Thomas Jefferson was then a schoolboy eighteen years of age. A score of times I have heard Walter Q. Gresham mention James Otis where he mentioned Thomas Jefferson once. The popular, historical, and even judicial misconception that Otis was simply declaiming against the writs of assistance was not Walter Q. Gresham's as a law student, and never afterwards. In the chapter in this book on the Whiskey Ring and the Counselman case, which involved

[1] See pages 100 to 102.

the virility of the Interstate Commerce Act, it will appear that the Supreme Court of the United States did not at first comprehend the government which Otis conceived. It was the trade and navigation laws of 1661–1663 for the first time attempted to be enforced in the colonies that Otis attacked as being in conflict with the natural rights of the Boston merchant. If the laws were valid, Otis did not dispute the right and duty of the colonial judges to issue the writs of assistance authorizing the customs officers to search warehouses and dwellings for smuggled goods. These principles of Vattel, Montesquieu, or Otis, as we may choose to call them, percolated to the common people. The "*siners*" of the Mecklenburg declaration of independence applied them before Thomas Jefferson did. Playing both ends—first setting forth the natural, inalienable right of men—one of the plaints of Jefferson against the British king was, "He has stirred up insurrections among our slaves." Without that grievance, the American Revolution might have been a failure. To reverse the Sommerset case the fugitive slave clause of the American Constitution was adopted.

Long before our independence was assured, such is the effect of precedent in the administration of the law, American judges had taken notice of Mansfield's opinion. And then the legislatures and constitutional conventions took it up. March 1, 1780, the colony of Pennsylvania by an act of their legislature abolished slavery, but out of consideration for the members of the Continental Congress, this legislation provided that during the sitting of the Congress—it was then in session at Philadelphia—its members might be attended by their slaves as servants. A few months later, Massachusetts, by a bill of rights in her constitution, soon to be followed by the other New England Colonies or States, without any qualification, adopted the rule that there could not be property in man. Under the Articles of Confederation, there was no provision for the return of fugitive

slaves. When the convention met in 1787, to provide for a national constitution, the most important question was that of fugitive slaves.

It was to modify this rule of the Sommerset case in so far as it applied to fugitive slaves in order to make a more perfect Union,[1] that Section 4 of Article 4 was inserted in the Constitution of the United States, viz.:

> No person, held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

Soon the construction of this section was brought to Washington's attention as President. The Governor of Pennsylvania applied to the Governor of Virginia for the return of three Virginians who had come into Pennsylvania and kidnapped a negro, contrary to the provisions of the Pennsylvania act of March 1, 1790, and carried him off to Virginia. The Governor of Virginia refused to surrender the Virginians, and thereupon the Governor of Pennsylvania applied to President Washington for redress.

While Washington was a large slaveholder, and as some of his biographers say, resorted to strategy to get his household servants back to Virginia when, in 1790, the government was moved from New York,[2] where slavery still was lawful, to Philadelphia, and some of Attorney-General Randolph's slaves claimed their freedom under the Pennsylvania statutes, according to Dennis Pennington, Washington did not then adopt the construction that was at that time advanced and afterward obtained of the words "shall be delivered up on claim," viz., that the master could walk into a crowd and lay his hands on a negro, claimed to be a runaway, and lead him or her home like a horse.

[1] Justice Story in Prigg *vs.* Pennsylvania, 16 Peters 539, decided in 1842.

[2] July 16, 1790, Congress by act ordered the seat of government transferred to Philadelphia, there to remain until December 1, 1800, then to the District of Columbia.

The fugitive slave law that Attorney-General Randolph drew and Washington signed February 18, 1793, provided that the alleged runaway should have a fair trial in the county in the State where he was apprehended, or, to state it more nearly, it provided that the States and the State judicial officers as well as the national officers should enforce the national law, and not any man who could get his hands on the negro without a breach of the peace. And the record is that every Southern jurist, Bushrod Washington among them, leaned to a liberal construction of Washington's law, and to limiting the scope of Section 4 of Article 4 of the Constitution.

The record is that at the first session of the Indiana State legislature, which convened the first Monday in December, 1816, Dennis Pennington "sat in" as a leader, as a senator from Harrison County. He drafted and led in passing an act entitled "An Act to Prevent Man Stealing," which was approved December 17, 1816. While this statute imposed penalties for stealing free negroes, there were the same pains and penalties for aiding the escape of fugitive slaves.

At the 1818 session of the Indiana legislature, Dennis Pennington supplemented his man-stealing act with what was known as the Joint Resolution of December 31, 1818:

> Whereas, sundry persons destitute of every principle of humanity are in the habit of seizing and carrying off and selling as slaves free persons of color who are or have been for a long time inhabitants of this state, . . .
>
> Therefore, most solemnly disavowing all interference between those persons who may be fugitives from service and those citizens of other states, whenever such claim is legally established, we deem it our just right to demand the proofs of such claim to service according to our laws:
>
> Resolved, that our senators in Congress be instructed and our representatives be requested to use their exertions to prevent Congress from enacting any law, the provisions of which will deprive any person, resident of this state, claimed as a fugitive

from service, of legal constitutional trial, according to the laws of this state, before they shall be removed therefrom.

At the November term, 1818, of the Harrison County Circuit Court, Dennis Pennington caused three Kentuckians to be indicted for violating the provisions of his man-stealing act. In the night time they broke open the dwelling house of Susan, a woman of color, and forcibly carried her off to Kentucky. Governor Jonathan Jennings made a requisition of Governor Gabriel Slaughter (kin of the man who became Mr. Gresham's first law partner) of Kentucky, for the return of the indicted men to Indiana for trial. One count in the indictment was based on the Federal statute.

For several years the correspondence went on between the two governors. Finally Governor Slaughter refused to honor the requisition. For aught that appeared in the papers, he said, the Kentuckians may have exercised their constitutional right of seizing their runaway slaves the same as they would their runaway horses, and therefore no crime had been committed.

March 26, 1826, Pennsylvania amended her statute for the abolition of slavery and to prevent kidnapping, by imposing certain penalties, including imprisonment, on all who removed from the State of Pennsylvania negroes claimed as runaways, without first securing from some judicial officer a warrant authorizing that removal. At the hearing to be held before the warrant was to issue, the claimant, the master, could not be a witness.

Speaking of this statute, Dennis Pennington said: "Little Joe Story decided all our fugitive slave laws, including that which President Washington signed, unconstitutional." [1]

Little noticed and not understood by the historians, but first brought to the attention of Walter Q. Gresham by Dennis Pennington and discussed with Judge Otto, who, we have shown, had been bred to the law in Pennsylvania, and

[1] 16 Peters 539.

with his legal preceptor, was the construction the Supreme Court of the United States in 1842, in an opinion by Justice Story, put on the fugitive slave section of the Federal Constitution in this celebrated Prigg case, and the action of the Abolitionists and some of the Free States under it.

An indictment was returned in York County, Pennsylvania, against Prigg and others for removing Margaret Morgan, a fugitive slave, to Maryland, without a warrant as the Pennsylvania statute provided. The Supreme Court of Pennsylvania upheld Prigg's conviction, and then the case went to the Supreme Court of the United States, where it was argued by the respective attorney-generals of Pennsylvania and Maryland, and other eminent counsel. It was really a controversy between the two States. And after all, there is some reason for the phrase, "The war between the States."

In the teeth of the argument that in the Free States color raised no presumption of servitude, of the constitutional provisions that "no person shall be deprived of life, liberty, or property, without due process of law"; that the people shall be secured in their persons against unreasonable seizures; and that the word "claim" was used in the sense of "a challenge of ownership," the Supreme Court of the United States reversed Prigg's conviction, and in an opinion by Justice Story said that the constitutional provision of the Federal Constitution, namely, Section 4 of Article 4, was self-executing when the master could secure the possession of his slave without a breach of the peace, that is, that in the Free States the master could lay hands on his slave the same as on his horse and then could lead the slave home the same as he could his horse, using all force necessary. This opinion further held the Pennsylvania statute unconstitutional, which required the claimant of a fugitive slave, after he had secured possession of the slave, to apply to a State officer for a certificate before he could remove the slave from the State; that the power to enforce the constitutional provision

of the United States was exclusively in Congress; that in so far as the act of 1793 attempted by the machinery of the Federal courts and Federal officers to enforce the provision for the return of the fugitive slaves it was constitutional, *but it was unconstitutional in imposing duties on the State and State officers in the rendition of slaves.* Not only this, this case decided that a State might by law prohibit its officers and agents from taking any action to enforce Section 4 of Article 4 of the Constitution of the United States.

Chief Justice Taney, in a dissenting opinion, pointed out the absurdity of a State commanding its officers to refrain from enforcing one of the provisions of the Constitution of the United States, a measure that had made the union of the States under that Constitution possible.

Although the court proceeded to a decision on the theory, as Judge Story said, that it would make such an exposition of the Constitution and the laws as would "put at rest the conflict of opinion" on the question which involved "as delicate and important considerations as had ever come before it," the Prigg case proved a wedge with which the Abolitionists helped split the Union. At the succeeding session of the Massachusetts legislature in 1843, Wendell Phillips, the Abolitionist lawyer, forced Massachusetts to pass an act prohibiting its executive and judicial officers from performing any acts in enforcing the pro-slavery clause of the Constitution. The Vermont, Connecticut, New Hampshire, and Pennsylvania legislatures followed the lead of Massachusetts. These acts, as amended, became known as the Personal Liberty Laws. The act of February 18, 1793, stripped of most of its provisions, and supplemented by the Personal Liberty Laws as amended, left the slave owner practically where he was under the Articles of Confederation. In 1850 there were 500 of Wendell Phillips's clients, fugitive slaves living in security in and about Boston.

It was the Prigg case and the discovery of gold in

California that gave us the Compromise of 1850, otherwise we might have had war then.

The slave power counted on the 900,000 square miles of territory acquired from Mexico —for that was why the Mexican War was begun —becoming slave territory. John P. Hale, the Free Soil Democrat, objected to the extension of the Missouri Compromise, or the 36° 30′ line, to the coast, because it carried with it the implication that slaves should be recognized south of it, and then the discovery of gold in the Sacramento River spoiled it all. Immediately there was a rush to California from all over the Union and from many parts of the commercial world. Soon the Californians called a convention—at which were many delegates from the South,—adopted a free constitution which was ratified on a referendum, elected a set of State officers, two congressmen, and two senators, and began hammering on the doors of Congress for admission into the Union. The pro-slavery people threatened to secede if California was admitted as a Free State. To that end, Mississippi, in the Summer of 1849, called a convention to meet at Nashville in June, 1850. In 1863, at Natchez, I sat with my husband at the dinner table with Judge McMurran,[1] who had been a delegate from Mississippi to that Nashville convention. Never, said Judge McMurran, did the mass of the large slaveholders want the issue to go to war; compromise always was the plan.

Two miles beyond Pennington's Chapel, to the northwest, and farther out on the Vincennes Road, stands to-day the brick house close to the big spring that succeeded the log house on the site where John Davis, Walter Q. Gresham's maternal grandfather, first settled. Thither Walter Q. Gresham was first carried, when a toddling infant, by his mother. The mother rode horseback with the boy behind. A natural "woodsman," a quality she transmitted, she cut across the country, leaving Corydon to the south. Thence, from Pennington's Chapel, Walter Q. Gresham often went

[1] See pages 248 and 282.

after he was transplanted to Corydon. After our marriage I visited in that brick house. It was then occupied by Uncle Tom Davis and his family. To-day it is the home of one of the fourth generation.

Among the California gold seekers were Anthony and Anderson Davis, two of the brothers of the mother of Walter Q. Gresham. Anderson Davis died early. Anthony turned all his resources into cash and moved his family to the Willamette Valley in Oregon, where his descendants have prospered.

An ex-office holder under Andrew Jackson, Anthony Davis remained a Democrat to his death. On behalf of the Gresham family, Walter Q. Gresham became the correspondent with Uncle Anthony. It was not gold the boy was interested in, and Uncle Anthony wrote back to his brother Tom that the boy had a wonderful grasp on the slavery question, and a bright future before him.

Uncles Henry, John, and Robert Davis, with their families, lived on sections adjoining the John Davis homestead. Aunt Betsy, married to Enoch Martin, Aunt Mahaly to George Seacat, and Aunt Nancy to David A. Askren, lived with their growing families near by. Aunt Polly, married to Abraham Stevens, lived just over the line in Washington County, not far from Fredericksburg, and close to John Rankin, the keeper of the first station on the Underground Railroad north of Corydon. On north in those formative days, crossing the main line of the Vincennes Road at Hancock's Chapel, Walter Q. Gresham rode one of Uncle Tom's horses to visit Uncle Abe and Aunt Polly. Uncle Abe was then classed as an Abolitionist, while the Martins were all "suspects."

Older by twenty years than Dennis Pennington, John Davis, the grandfather, lived to be almost one hundred, dying in the early '50's. From the time Walter Q. Gresham knew him, he lived with and was cared for by Aunt Nancy. Although his strong anti-slavery views caused him to seek,

with his growing family, the wilds of Indiana Territory, John Davis was a considerate, charitable, and kindly man, and to the last a Democrat. But he was a strong Union man, and he read Daniel Webster's speeches. His sons, Thomas, Henry, and Robert, joined the Republican party, while Anthony, Anderson, and John adhered to the Democratic. Several brothers of John Davis, great-uncles of Walter Q. Gresham, with their growing families, settled in that neighborhood. Many of the offspring migrated to Illinois, Iowa, Kansas, and Missouri. At one time one of them said to me, "We had 900 on the list, and then we quit counting." The women were good housekeepers, and the men were then, and still are, mainly prosperous farmers — the best type of American citizen — seldom officeholders, but usually having a representative on the board of county commissioners or in the legislature. There was not a poet, a philosopher, nor an Abolitionist among them. They did not believe in burning the barn down to get rid of the rats. They were Union men and believed in law and order, although they went, as did Walter Q. Gresham, to hear Walter Pennington preach. The best of the New England Abolitionists never surpassed Walter Pennington in denouncing "the divine institution." He spared not even the author of the Declaration of Independence nor the Father of his Country for continuing to own negroes in the teeth of their efforts to provide by law for emancipation. The Reverend Walter was fond of commending Thomas Worthington, a Virginian, who led off in freeing all his slaves (fifty in number) and provided homes for them in the Northwest Territory. Coles also did the same, and settled in the Illinois country, and likewise the "poor white trash" who "toted" his single "nigger" to the land of freedom.

The Davises, who remained Democrats, helped Walter Q. Gresham in all his political contests in 1854 and 1855, and in 1860. One bright morning in July, 1863, I served breakfast to one of the Davises of mature years, with George Seacat

and David Askren. In the late hours of the night they had ridden in to join the Home Guards. Later, with their squirrel rifles, I saw them, outnumbered seven to one, march out to meet the Morgan veterans supported by artillery.

Even after it had become an Abolitionist war, as it was called after the Emancipation Proclamation, the poets and philosophers and "*the friends*" did not go in. Wendell Phillips was taunted for staying at home. But it has always been thus. It was so in the South. Many of the extremists and fire-eaters did not fight. It was the man who resisted secession the longest who stayed to the surrender. Coming up from the South, I have several times stopped at Waynesville, North Carolina, where Major W. W. Springfield, late C. S. A., resides. Said the Major: "At Strawberry Plains, Tennessee, where I was born and raised, I resisted secession to the last, but Mills Shultz, who outtalked and out-voted us, stayed at home, while I enlisted as a private and surrendered as a major at Appomattox. And would you believe me, when I went to vote the first time after the war, there was Mills Shultz to challenge my right to do so because I had been in the Rebel army!"

When the final test came, and the extremists and most of the Abolitionists stayed at home, many of the third generation of the Davises went into the Union army as volunteers—some as officers, some as mere boys in the ranks. Except those who were killed or badly wounded, they stayed to the end. Walter Davis, at sixteen, joined the Forty-ninth Indiana as a volunteer. He said: "I served four years without a wound, but they almost marched me to death—six times across Kentucky, then clear down to Savannah, up through the Carolinas, and down the avenue in the Grand Review." Rodolphus, in the ranks of the Fifty-ninth Indiana, was close to my husband when he, as a division commander, was shot in front of Atlanta. The next morning "Dolphus" helped carry the wounded cousin from camp to the box car, and as the train was held,

went back with the detail and brought out McPherson's body in a pine box, which was shoved into the car with the wounded men as the train pulled out for Nashville.[1]

From the start, President Taylor, a slaveholder, a Kentuckian by birth, a citizen of Louisiana, had encouraged the settlers to organize. In December, 1849, in one of the ablest messages ever submitted to Congress, written by Reverdy Johnson, his attorney-general, and predicated on the Declaration of Independence—that the people of each State or territory were of right entitled to such laws as they desired for their own local government—the soldier president pressed the claims of California. The threats of the hotheads to secede brought counter threats that the first overt act would be met with the armed forces of the United States, led by the "Old Warrior" himself. He surprised the slaveholder, as well as the boy whose anti-slavery views had led him to wish in 1848 that he were of age so that he might vote for John P. Hale of New Hampshire and George W. Julian of Indiana. Many a time I have heard Walter Q. Gresham discuss these two men. The daughter of John P. Hale, and her husband, William E. Chandler, Secretary of the Navy in President Arthur's cabinet, became our warmest friends. It was a friendship that did not abate when Walter Q. Gresham became Secretary of State in a Democratic cabinet. Aid and comfort that the Republican Senator Chandler offered to Democratic Secretary of State Gresham could not be received for fear of offending some of the Democrats. Mrs. Chandler was devoted, to use a Southern word, to Mr. Gresham, and there never was a brighter or sweeter Yankee woman.

Too much ice water on July 4, 1850, ended Zachary Taylor's career, and then Henry Clay put through the last compromise on the slavery question, and the Nashville convention adjourned *sine die*.

The compromise of September 11, 1850, of which Henry

[1] See page 302.

Clay was the author, admitted California as a Free State; organized territorial governments in Utah and New Mexico, to be admitted as Free or Slave States, as the people of those territories might ultimately determine; abolished the slave trade in the District of Columbia; and with a sweep of the pendulum to the extreme of the Federal power, ignoring almost every fundamental principle of right and justice, rewrote the Fugitive Slave Law on lines that would have astounded Washington and his advisers.

The Fugitive Slave Law, as amended September 11, 1850, provided for additional United States Commissioners, one to be appointed in each county, if necessary, who was authorized on the production of a certificate under the seal of a court of the State from which the fugitive had fled, giving a description of the alleged fugitive, to issue his warrant to the United States marshal for the apprehension of the negro described in the certificate. The marshal might, at his discretion, without any showing to the court, if he had reason to believe there would be resistance, call on any citizen to aid him in enforcing the writ. On the apprehension of the fugitive, the only question to be tried by the commissioner was the identity of the fugitive, as set forth in the certificate — and this too without a jury. "In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence." "No writ or habeas corpus should issue to release an alleged fugitive." "The commissioner shall receive a fee of $5 in the event of the release of alleged fugitives, and $10 in the event he remand him to the custody of the alleged owner." The reason for the difference in the compensation, as expressed in the act, was because of the difference of the labor required of the commissioner. In the event the fugitive was remanded to the custody of the owner, the commissioner should give him a long certificate, reciting all of the proceedings, whereas, if the fugitive was released, there was a simple order and certificate to that effect. Additional penalties were imposed

on those who aided the fugitives to escape. Municipalities and counties, where there were rescues of fugitive slaves, were made liable to the owners for the value of the slaves, while the municipality or city where the rescue occurred was given the right to recover from the parties making the rescue.

Samuel J. Wright, always forcible and keen, "but often unfair," as Walter Q. Gresham afterwards described him, — "Slick Samuel," his opponents called him, — took up the cry, "It's unconstitutional!" Promptly the Supreme Court of Wisconsin so held, and it was several years before the Supreme Court of the United States could get a record and pronounce the law constitutional.

However it might be in the other States of the Union, in the five States carved out of the Northwest Territory — viz., Ohio, Indiana, Illinois, Michigan, and Wisconsin (and eminent lawyers still contend that in the last named States the ordinance of July 13, 1787, is the supreme law of the land) — it was claimed and argued with force that Congress could not, under the fugitive slave section of the National Constitution, deprive even a negro of his natural, inherent, and inalienable rights of life, liberty, and property, and the means of their preservation or of due process of law, that is, of a writ of habeas corpus or a jury trial with the right to testify, because in the ordinance of July 13, 1787, for the organization of the Northwest Territory and the States to be organized out of it, among the guaranties to the people thereof and their descendants were the natural rights of man and the means of their preservation, or "due process of law." These and the other personal and political guaranties embedded in the ordinance were among the considerations for the pro-slavery clauses of the National Constitution. It was the first compromise on the slavery question.[1]

While most of the Virginians who made for the Northwest

1 Speaking of the deal and the part Massachusetts took in putting it through, Wendel Phillips said: "If a Yankee saw a dollar on the other side of hell, he would jump for it at the risk of falling in."

conceded that the pro-slavery people got the best of the first compromise, they said Henry Clay out-traded them in the second—that is, in the Missouri Compromise—for all of the territory of the Louisiana Purchase, under the treaty with Napoleon whereby it was acquired, was slave territory. It was the pride of the Penningtons, Rumleys, and most of the Davises, that their anti-slavery views were not of New England origin but were brought with them from Virginia. I have heard Walter Q. Gresham say, "Thank God, none of my ancestors prospered or grew rich in the New England carrying trade—swapping beads and rum for men in Africa, and then selling these men in Georgia and South Carolina at a good price." The morals underlying much of New England commercialism he scorned.

As late as 1844, a Clay delegate to the Baltimore convention, a Clay elector, and on the stump that year for the "Mill Boy of the Slashes," Dennis Pennington was always first and last a Union man. He admired Andrew Jackson as he did a bulldog—his courage but not his brains. It was Webster's argument that justified Jackson's threat to hang Calhoun. "Study law, my boy, and the history of your country, and be prepared to meet them on the stump, but always stand by the Union," was the old man's advice. Had Dennis Pennington lived in 1860, he would undoubtedly have favored another compromise, for he pointed out what Calhoun said about that of 1850: "Another such and we are gone."

Neither did Wendell Phillips deny the constitutionality of the new law. He and Theodore Parker met it with open resistance in the streets of Boston, asking the conscience Whigs, "Where is your free constitution?" Meantime they had whipped New England into a frenzy over the immorality of the Prigg case and of one of the decisions of another eminent New England jurist, Chief Justice Shaw of Massachusetts, and so discredited her greatest man, Daniel Webster, that that impress is still on the man of letters. They

broke Benjamin R. Curtis as a judge when he succeeded Justice Story on the Supreme Bench of the United States.

"Goad the slaveholder to madness," said the Abolitionist lawyer. "If the slaveholder will give up Section 4 of Article 4 of the Constitution, we will have him up against the Sommerset case, and with it as a premise we will control the public opinion of Great Britain, and consequently her government, against him."

Tracing his lineage back to the *Mayflower*, inheriting a competency, a graduate of Harvard, with excellent prospects for a valuable private practice and political preferment, both of which he gave up in order, as he said, to represent three million human beings "who stood mute within our civilization and our laws," Wendell Phillips demonstrated he was the best informed and ablest lawyer of his time. But a lawyer with a single client is always a dangerous man in a community. If consideration for the unfortunate whites, whose destiny for the time being at least was tied up with the bondsmen, can be laid aside—Walter Q. Gresham always kept them in mind[1]—then the advocate of unconditional and immediate abolition must be rated the clearest sighted and boldest statesman America ever produced. The distinction, as the Frenchman put it, is the difference between "men of the nation and men of the bar."

From the time of the Prigg decision, Wendell Phillips held Massachusetts as a legal entity out of the Union. Jefferson Davis made that point in his farewell address in 1861, and as a reason why the Southern brothers should be permitted to depart in peace. He said that in 1850 he had opposed the coercion Daniel Webster then exerted on the people of Massachusetts. And so well did Webster, as the head of the Fillmore administration, enforce the law, that Wendell Phillips after a time advised the fugitives they were no longer safe in Massachusetts, and unless they were prepared to resist by taking human life, they should flee to Canada.

[1] See Chapters XVI and XIX, especially page 326.

Webster was a patriot when he forced South Carolina — with the fiery Jackson making concessions — to live up to a tariff law that bore heavily, but an apostate and Ichabod when he made the people of Massachusetts — the State that seconded South Carolina's motion for a pro-slavery constitution — obey the law of Congress passed in pursuance of that constitution and warned Massachusetts what might be the consequence of her disobedience.

The student had learned the "hang" of the office under the big elm tree with the reports and the briefs, when Daniel Webster, a heartbroken man, on October 29, 1852, breathed his last at Marshfield, to be vindicated even by Wendell Phillips, as well as Abraham Lincoln. Webster's last words were: "A few Abolitionists have more influence than I and all the public men in America." Five months before Webster's demise, Henry Clay had died, at the National Hotel in Washington.

Long before Walter Q. Gresham formally began the study of the law, he had read many of Webster's speeches. In the log schoolhouse he had declaimed, as many another schoolboy has done, before and since, that prayer of Webster in his reply to Hayne: "When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious union; on states dissevered, discordant, belligerent, on a land rent with civil feuds, or drenched, it may be, in fraternal blood." History will rate Webster a great statesman, as well as a great lawyer.[1]

A thorough mastery of the pro-slavery provisions of the Constitution of the United States, of the legislation and decisions under it, and of the slave code of Kentucky, as a part of his legal education, satisfied Gresham that the theory of Wendell Phillips and William Lloyd Garrison, possibly potential in the end, but harsh and cruel, was wrong. Their first premise that slavery was immoral merely confirmed

[1] See page 139.

his mother's teaching and the promptings of his own heart. But their second premise—and the Springville Resolutions anticipated them by twenty years—that the Constitution of the United States was *per se* a pro-slavery instrument, did not support their conclusion that the Fugitive Slave Law be defied and the Union destroyed. He was confirmed in this by the opinion of John C. Calhoun, that the preservation of the Union meant in time the extinction of slavery.

It was in those formative days that Walter Q. Gresham learned, as he afterwards often remarked, that it was at the Hartford convention of 1814 that secession, at least in a practical way, was first suggested, and this fact he always afterwards kept in mind when considering the action of the men who went into the rebellion.

The convictions of Henry Clay,[1] as expounded by Daniel Webster, he grasped as correct, namely, that if the Union could be held together, the growth and development of the country and public opinion would, in time, bring about the abolition of slavery without violence and bloodshed, and with compensation to the slaveholders. In short, Walter Q. Gresham never was an Abolitionist. Moreover, he used his influence with the young men about Corydon to abate the activities in the Underground Railroad. He came to the conclusion then, as he afterwards maintained, that a State, the same as an individual, whether an anti- or a pro-slavery man, should obey the Federal power in the exercise of all its legitimate functions. His pro-slavery friends, his Kentucky friends, and the lawyers from Brandenburg down the river to Cloverport and back in the State to Hardinsburg and Elizabethtown, never doubted his good faith when he told them that he was glad that Indiana had no personal liberty laws on her statute books such as those of Massachusetts. Because these laws were unconstitutional and furnished a pretext for secession, he was against them.

[1] See page 139.

CHAPTER III

THE KANSAS-NEBRASKA BILL

"SQUATTER SOVEREIGNTY"—CORRESPONDENCE WITH SALMON P. CHASE—THE ELECTION OF 1854—ATTEMPT TO DEFEAT WILLIAM H. ENGLISH, DEMOCRATIC MEMBER OF CONGRESS—WALTER Q. GRESHAM ANTI-NEBRASKA CANDIDATE FOR PROSECUTING ATTORNEY—ASIATIC CHOLERA—"KNOW-NOTHING" RIOTS IN LOUISVILLE—BLOODY MONDAY—GRESHAM ON THE STUMP—HELPS ORGANIZE THE REPUBLICAN PARTY.

WALTER Q. GRESHAM was reviewing his studies preparatory to admission to the bar when the country was thrown into a frenzy by the Kansas-Nebraska Bill. No measure was ever less understood, aroused greater opposition, or was more far-reaching in its effects. To-day the layman and the publicist seem to be equally ignorant as to what it really was and just how it operated.

January 23, 1854, Senator Stephen A. Douglas, as chairman of the Committee on Territories of the United States Senate, reported his third amended bill to organize the territory west of Missouri and Iowa—the remaining portion of the Louisiana Purchase—into two territories, Kansas and Nebraska, with or without slavery, as the people might desire; because, as the bill declared, Section 8 of the Missouri Compromise, which prohibited slavery north of the line 36° 30′, the southern boundary line of Kansas, was "inoperative" in that it was superseded by the Compromise of 1850, which had refused to extend the 36° 30′ line to the coast; the purpose being, as the bill declared, that "Congress shall neither legislate slavery into any of the territories or States, nor out of the same;

but the people shall be left free to regulate their own domestic concerns in their own way, subject only to the Constitution of the United States."

As the bill finally emerged from the committee, Salmon P. Chase, one of the anti-slavery leaders of the United States Senate, and an Independent Democrat, as he styled himself, denounced it as a gross violation of a sacred pledge, and in an address previously prepared and that day started broadcast over the land, called on the anti-slavery people to defeat the purpose "to exclude from a vast unoccupied region immigrants from the Old World and free laborers from our own States, and convert it into a dreary region of despotism, inhabited only by masters and slaves."

The law student at once wrote Senator Chase, which started a correspondence that was kept up for years, and perhaps accounts for the fact that in 1860 Gresham was for Chase rather than Mr. Lincoln in the nomination for President.

In the debate that followed, in the Spring of 1854, on the Kansas-Nebraska Bill, Senators Chase, Seward, and Sumner, representing the anti-slavery sentiment, and Senators Bell, Huston, and Davis the pro-slavery side, the moderates and extremists were no match for Senator Douglas.

From the accepted doctrines that the people of the States were accorded the right to determine their own domestic concerns, Senator Douglas argued the same right should be accorded the people of a territory, and they should begin to exercise that right as soon as the government of the United States intrusted them with a territorial government.

When, later on, the practical operation of the Kansas-Nebraska Bill was what neither the anti-slavery nor the pro-slavery people expected, sides were changed. Among the first to see the effect it would have—the making of Kansas into a Free State—and to give his approval to the principle upon which it was constructed, was Walter Q. Gresham.

By 1856 the extreme pro-slavery Secessionists, led by Senator Robert L. Toombs of Georgia, perceived what had become plain to the young lawyer the year before, that the practical workings of the Kansas-Nebraska Bill would make of Kansas a Free State. It was for this reason that W. L. Yancey and the extremists wanted to defeat Douglas's nomination, and especially to repudiate as a party measure the doctrine of "Squatter Sovereignty."

In February, 1861, after the pro-slavery men had seceded because Douglas held their party to what Mr. Lincoln called "Squatter Sovereignty," a Republican Congress, Charles Sumner and William H. Seward sitting mute, copied the Kansas-Nebraska Bill verbatim in bills for the organization of the territories of Colorado, Dakota, and Nevada.

In 1883, while Mr. Blaine was writing his "Twenty Years in Congress," I heard him discuss the operation of the Kansas-Nebraska Bill with Mr. Gresham in our library in Washington. If, as Mr. Blaine says in his book, and as he said to my husband, Charles Sumner, Salmon P. Chase, and William H. Seward owed an apology to the memory of Daniel Webster for the maledictions they heaped upon him for his seventh of March speech, which was mainly in support of the proposition of the Compromise of 1850 to make Utah and New Mexico territories with the right to adopt or reject slavery, then it must be admitted, as my husband said to Mr. Blaine, that much of the criticism in the year 1854, and afterwards, of Senator Douglas, was unjust, and that history must, as it will, do him that justice which Mr. Blaine does not accord him.

Senator Douglas could not have been ignorant of the Springville Resolutions[1] and the effect of Congress giving them heed. But he never mentioned them. Disclaiming all sympathy with the bondsman, was the lawyer's way of advancing a principle of government that made for the bondsman's freedom and caused Abraham Lincoln to denounce him as the best Abolitionist of them all. It was

[1] See pages 21 and 22.

inside the ropes and under the Constitution of the United States that Douglas fought.

In 1854 the Kansas-Nebraska Bill centered the attention of the people of the second Indiana congressional district on their congressman, William H. English of Lexington, Scott County, who was then serving his second term. When, on May 2, the bill passed the House with many Democratic votes against it, but with "Bill" English and many Whig members from the South for it, an organization at home was started to defeat Mr. English's re-election. In this movement Walter Q. Gresham was particularly active. On August 30, 1854, a convention, which was called "The People's Convention," assembled in New Albany and nominated Thomas C. Slaughter, the senior member of the firm of Slaughter and Gresham, as the Anti-Nebraska candidate for Congress.

In addition to helping manage the Slaughter campaign, Walter Q. Gresham became the Anti-Nebraska candidate for prosecuting attorney for the Court of Common Pleas in the district composed of the counties of Harrison, Crawford, Orange, and Washington, against T. S. Ganiott. Much of the time Mr. Slaughter was kept out of the contest because of his ill health and on account of the illness and death of his eldest son. Many of his appointments to speak were filled by his young partner and George P. R. Wilson, a Kentuckian who had come at an early date to Harrison County and married a daughter of Spier Spencer, who fell at Tippecanoe while in command of the Harrison County troops at that battle. Except when he was engaged in public affairs Mr. Wilson lived on a large farm in the western part of the county. He had then been a member of the Indiana legislature for ten terms, and in 1845 had failed as a Whig candidate for Congress when pitted against that remarkable man, Robert Dale Owen, who as a Democrat in the midst of the war advanced some of the most important arguments for its prosecution to a finish.[1]

[1] See page 200.

The masses of the Democrats at first looked on the Kansas-Nebraska bill as a violation of the pledge embodied in the Missouri Compromise; but party lines were strong, William H. English was a good campaigner, and the people easily led. The New Albany *Ledger*, in a leading editorial June 2, 1854, denouncing the bill, concluded as follows:

"If it is to be organized it ought to be as a free territory. It is a violation of twice-plighted faith for the benefit of a presidential candidate and ought to fail." But on September 16 the same paper said: "When Mr. Slaughter says, 'We denounce the repeal of the Missouri Compromise by the passage of the Kansas-Nebraska Act, as a violation of twice-pledged faith,' Mr. Slaughter says that for which he has not a particle of reason or shadow of proof."

In this contest Judge Slaughter, who was a man of singular purity of character, as well as of ability, came nearer defeating Mr. English than ever happened in the long career of the latter gentleman. Two years before, Mr. English's majority was 2,500; that year he led Mr. Slaughter by only 536. Democrats like Thomas A. Hendricks, with good majorities behind them, were easily defeated that year. The Anti-Nebraska men had a majority of 11,000 in Indiana. There was an Anti-Nebraska majority returned to the next Congress. Ganiott was elected prosecuting attorney, but young Gresham carried Harrison County by a vote of 1,328 to 1,276, the only candidate who did so on the Anti-Nebraska ticket that year. Notwithstanding the bitterness of the political contest, the acquaintance then formed by young Gresham with William H. English ripened into a friendship that was never afterwards broken. Of all the Democrats that Indiana produced, Mr. English was, in my judgment, the ablest. Less gifted than many others, he surpassed them all in force and practical sense.

The year 1855 was marked by an epidemic of cholera and by the "Know-Nothing" outbreak against the foreigners and the Roman Catholics in Louisville. One morning early

in the summer I went to market with my mother, a negro carrying our basket. As we passed along Market Street, where the hacks stood, one of the drivers tumbled from his box. The report at once spread that he was attacked with Asiatic cholera. My mother hastened home and we were all rushed off to Cedar Glade at Corydon. Before this, the disease had made its appearance at many points on the Ohio River. There were many deaths in Louisville and at other places, and it was not until late in the fall that the ravages of the plague were stopped.

The American or Know-Nothing party had prevailed in many of the municipal elections throughout Kentucky in the Spring of 1855. It was equally successful at the State and congressional elections in August of that year. It elected Governor Moorehead and a majority of the members of Congress. Being a foreigner by birth, my father's opposition to it was somewhat akin to its proscriptive nature. He went from Corydon to Louisville to vote against it at the August election, but the Know-Nothings carried the day, which has gone into history as "Bloody Monday." In Louisville there were riots in which a score of men were killed and many more wounded.

Fortunately my father returned to Corydon before the news of the riots reached us. The commotion which these events created in a household such as ours can better be imagined than told. For a time we were more frightened at the word "Know-Nothing" than at the mention of the Abolitionists. The impression produced on my father was never effaced. The riots were described with great detail, and we were told how George D. Prentice and Lovell H. Rousseau saved the Irish from a general massacre and the Catholic Cathedral from destruction by fire. My father had always subscribed for the *Journal*, which George D. Prentice had established years before as the Whig organ but primarily in the interests of Henry Clay. When he went over to the Democracy because of the Know-Nothing

craze, my father changed newspapers—stopped the *Journal* and took the *Courier*, the Democratic organ. But after "Bloody Monday," although the *Courier* continued to be my father's paper, the *Journal* was invariably delivered at the house and read by him, though there was much in the charge of the *Courier* that it was Prentice's intemperate editorials before and on the day of the election that had brought about "Bloody Monday."

Following the excitement over the Know-Nothing riots in Louisville, there was the greatest interest in Harrison County, Indiana, over a local election, which brought home not only to every voter but to every man, woman, and child the Kansas-Nebraska trouble. In correspondence with the young lawyer, Salmon P. Chase repeated the advice he had urged upon the people of the United States in the debates in the Senate the year before, that they manifest in every concrete form possible their opposition to the plan, as he claimed, of the Kansas-Nebraska bill to make Kansas a Free State.

July 1, 1855, the county commissioners of Harrison County ordered a special election to be held on the 15th of October following, to fill vacancies in the offices of the county clerk, county treasurer, and county commissioner. Here was an opportunity for the young lawyer. Walter Q. Gresham did not want the office of county clerk, as it would take him out of the practice of his profession, but as a candidate for that office he would have an opportunity to organize and advance the ideas of the men of the Anti-Nebraska sentiment. He accepted the nomination on the Anti-Nebraska ticket for clerk, with Hamilton Tressewriter for treasurer, and Reuben W. Reynolds for commissioner.

The Democrats presented as their candidate for county clerk, William H. McMahon, a worthy man. They nominated Samuel Douglass for treasurer and Jacob Tense for commissioner. Mr. McMahon had been chief deputy clerk for years, and as such had managed the office to the

satisfaction of everybody. He was a deservedly popular man, but did not pretend to be a public speaker. So the young lawyer challenged the Democrat lawyers to a joint debate to discuss the Kansas-Nebraska bill. They appointed Simeon K. Wolf, an ex-Whig and afterwards a Democratic member of Congress, to meet him. They had a joint debate in the public square in Corydon, and then met in every schoolhouse in the county.

George P. R. Wilson could not be induced to join the new political organization (it was not yet the Republican party and the name "Republican" was not heard that year in Harrison County), but he volunteered to take the stump for his young friend and against his old enemy, the Democracy. He would not forgive the Abolitionists for their denunciation of his idol, Henry Clay; but he approved of all the denunciation the Abolitionists could heap on the Democratic organization. Even in 1856 Mr. Wilson was still so inoculated with the virus of slavery that he refused to join the Republicans, and voted for Fillmore, the Know-Nothing candidate for President. He died in 1857.

Great meetings were held in the woods, and the old and the young man addressed them. Mr. Wilson is said to have surpassed any of his previous efforts. As one enthusiast said, who had frequently heard Mr. Clay speak, he equaled Mr. Clay when the latter was at his best. The aid Mr. Wilson thus rendered (and it was the only aid he received on the stump in that contest) the young man never forgot. Forty years later, out of a list of eligibles, he induced President Cleveland to advance one of George P. R. Wilson's sons, a regular army officer in every way qualified, when General Scofield, then in command of the army, urged the promotion of another officer.

In his address, after reviewing all the historical and legal objections to the system of African slavery that had come to him from his Virginia and Kentucky ancestors, the young man claimed that the discussion had been opened

by the Kansas-Nebraska bill on the theory that it had been necessary by the Compromise of 1850 to repeal the Missouri Compromise, and that hence he was free to discuss and criticize those provisions of the Compromise of 1850, namely, those sections of the Fugitive Slave Law which bore so harshly on the alleged fugitive and had no regard for the sensibilities of those who thought slavery immoral and wrong. He would accord to the master all his constitutional rights. State laws that interposed obstacles to the master's recovering his runaway slave were unconstitutional and wrong and should be repealed, but the fugitive slave provision of the Constitution of the United States did not contemplate that Congress should offer a cheap bribe to a judicial officer of the United States, either to do or fail to do his duty, five dollars to a United States commissioner when he set the black free but ten dollars when he certified him into slavery. Neither did the framers of the Constitution expect that the United States marshal would make every man, regardless of his feelings, a "nigger catcher."

"If the negro was the same kind of property as a horse, why was there not in the Federal Constitution some provision for the reclamation of runaway horses?" he asked. The constitutional provision and the law of Congress to enforce that "personal service" conclusively demonstrated there could be "no such thing as property in man."

He further argued that while the Kansas-Nebraska bill had not been passed in good faith, now that it operated contrary to the expectations of its author and his cohorts, it was not being and would not be enforced in good faith by the National administration, dominated as it was by the slave power. He stated that only the preceding March President Pierce had removed Governor Reeder, the first governor of Kansas and the man he (Pierce) had appointed under the Kansas-Nebraska act, because Reeder had set aside the first election in Kansas for the reason that many of the actual settlers of Kansas, anti-slavery men, had been

driven from the polls before they could vote, by border ruffians from Missouri, who stuffed the ballot boxes and then returned home. Mr. Gresham said: "I opposed the Kansas-Nebraska bill, but now that I see how it operates, I am for it. . . . The only way, my good honest Democratic friends of warm and generous anti-slavery sentiments, to free the Democratic organization from the control of the slave power, is to vote it out of office."

In addition to the challenge to the Democratic lawyers, an offer was kept up to meet all comers in joint debate. John Mathes, an auctioneer and a local celebrity, who had been a member of the legislature and began all his speeches with the statement, "I have voted for every Democratic candidate for President from Andy Jackson down," named Lowden's schoolhouse in Spencer Township as the place where he would like "*to trim the young sapling.*" Of that Lowden schoolhouse debate Walter Q. Gresham never heard the last. In his native township, Franklin, and in Spencer Township, there were many Germans, but, contrary to the usual rule, these Germans were pro-slavery in their views. Taking these views as a text, the Germans were severely arraigned for fleeing from absolutism and persecution in their native land, only to side with it or the slave power in this. He jarred a few of them from their prejudices, but not many. Invective and denunciation sometimes shames a man into abandoning a position he cannot be reasoned out of. It was a weapon which Gresham knew how to use and did use in private as well as in public. Growing out of the fierceness of this debate, the story was fabricated and embodied in an affidavit and spread broadcast that the young man had said: "It was not necessary that the American or Know-Nothing party should ask me to join their ranks, as I have an American heart. I grew up in the town of Lanesville, where it was almost impossible for the Americans to get to the polls because of the presence of dirty, long-eared Dutch. They are paupers and criminals.

The penitentiaries, jails, and poorhouses of the old country were emptied, and that is how they came here."

Although he denied having at any time uttered such sentiments, the fact that he did not deny that he had joined a Know-Nothing lodge before he was a voter was cited as evidence that he had used these identical words. Debarred from the Whig party because of its pro-slavery tendencies, he said, he joined the Know-Nothings, but as soon as he learned that party's narrowness and proscriptive nature, he at once abandoned it. Unlike many men who were afterwards prominent, he never denied that he had been a member of that organization.

When the votes were counted, Walter Q. Gresham was defeated by a vote of 1,447 to 1,340. But he received more votes than any of his associates. Almost everywhere else, except in Ohio, where Salmon P. Chase was elected governor by a fusion, there was a lessening of the vote in opposition to the Kansas-Nebraska bill. The increase in the number of votes cast over the year before, when the excitement was great and a State ticket and a congressman were to be elected, shows the interest that, without the aid of a newspaper, had been aroused in the public mind. It also satisfied Mr. Gresham, as he afterwards repeatedly said, as to the response the people of his native county, although largely settlers or descendants of settlers from Slave States, would make when they were finally satisfied of the deception, as he claimed, that was being practiced on them. It also convinced him of the correctness of the proposition that the people could be trusted to rule themselves, and that on all domestic and local questions they and their local tribunals should be followed by the National courts. It was a principle he afterwards strictly adhered to when on the Federal bench.

My father scrutinized closely all the young men who paid attention to his daughters. He disliked the anti-slavery views of the young man who was attentive to

me. As did all men of foreign birth, he particularly disliked the American or Know-Nothing party. With him it was "Once a Know-Nothing, always a Know-Nothing." Before the subject of marriage was mentioned, my father told me he did not like the political principles of my youthful admirer; he rated him both an Abolitionist and a Know-Nothing, and he said that while there was no possible objection to him as a man of character, he could not encourage his suit. Meanwhile my mother had died, but in my grandmother my husband-to-be had a warm advocate and admirer.

The school years of 1855–56 and 1856–57, I was in school in Corydon, Louisville, and at the boarding school at Bardstown, Kentucky. All the girls at Bardstown were from Southern families, and my sisters and I were regarded as such. They considered it "awful" that I had an Abolitionist for a sweetheart. One day Mrs. Crosby, the wife of the principal of the school, sent for me and gave me a small package she had just received for me through the mail. It was opened in her presence. It satisfied her when I said, "How glad I am to get Cousin Walter's picture."

Lucy Brown, of Georgetown, Kentucky, was a special friend of my sister Lyde. Frequently on Fridays Lyde would go home with Lucy to stay over Sunday. Lucy's brother George often brought them back to school. Sue Simmons, one of my special friends, lived a few miles from Bardstown. I often went home with her for Saturday and Sunday. There was a large family of the Simmons; among them were two brothers, George and Reese Simmons. Later on I will tell you how I met George Simmons and George Brown as Confederate officers commanding the advance guard of the Morgan raids through Indiana and Ohio.[1] The Simmons family had a large farm and many slaves. One of our amusements there was to get one of the old darkies to start his fiddle and see the little pickaninnies come out of the cabins in swarms and dance.

One of my intimates and a part of the time my room-

[1] See page 236.

mate was a bright, charming girl named Carrie Taylor. Her mother, a widow, was a wealthy woman living just south of Louisville. We frequently visited each other. On one of my visits to the Taylors, I met Zeb Harney, the young man Carrie subsequently married. His father, Major Harney, was the editor and proprietor of the Louisville *Democrat*. Through my friendship for the Taylors and the Harneys, I induced my father to subscribe for the Louisville *Democrat*. Afterwards the war wrought havoc with the Taylor estate and the *Democrat*.

The distinction of that time between the simple anti-slavery man, the Republican-to-be, and the Abolitionist, was not beyond the understanding of a young woman who at least wanted to see the difference, if there was one. Besides, in a household that was pro-slavery, with sisters both older and younger who were given to criticizing and ridiculing in the privacy of the home every young man who showed any one of us special attention, I was forced to learn the distinction between a Republican and an Abolitionist. But this vast difference the pro-slavery people of the South did not understand; and the anti-slavery people of the North never seemed fully to realize it. The Abolitionists were careful to keep up the delusion in the Southern mind. They purposely compromised every Northern leader in the eyes of the Southern people. Southern girls could not understand that a Republican or a simple anti-slavery man was not an Abolitionist. With them there were only two classes—pro-slavery men and Abolitionists. The horror the Abolitionists excited in the minds of Southern women has never been appreciated by the Northern people, especially by the Northern historians.

The first platform of the Republican party was based on the Declaration of Independence, the maintenance of which it declared was necessary to preserve the Constitution of the United States. In the light of these principles the Constitution should be interpreted. It declared that

all the territory of the United States should be free, and demanded the admission of Kansas at once as a Free State. But it disclaimed any purpose to interfere with the domestic institutions of any of the States. By bringing Kansas and other Free States into the Union, the Republicans — at least those Republicans with whom I was closely associated — believed slavery would be so restricted that public sentiment would, without violence or bloodshed, bring about in time abolition, but with compensation to the slave owner. On the other hand, the Abolitionists' platform was "Immediate and unconditional abolition." They claimed that fairness and good faith precluded the interpretation of the Constitution in the light of the Declaration of Independence, for the fathers who drew the Constitution intended it should be a pro-slavery instrument. But because it was *immoral* they would not obey it.

Prior to 1856 there was no political organization in southern Indiana under the name Republican. The Republican party was organized as a National party at a conference held at Pittsburgh, February 22, 1856. Slaughter and Gresham aided in sending a representative to this conference, and Mr. Slaughter was made one of the delegates from the second Indiana congressional district to the first National Republican Convention that met at Philadelphia, pursuant to the Pittsburgh call, and nominated Frémont and Dayton. The junior member of the firm went on the stump that year for "the Pathfinder," as Frémont was called.

An incident that happened during this campaign marked the first meeting of Walter Q. Gresham and Oliver P. Morton, afterwards Indiana's "War Governor," and explains why Mr. Gresham never deferred to Mr. Morton as did many men, although he rated Mr. Morton's intellect as the strongest that had appeared in the Senate since Mr. Webster's time. Up to 1854 Oliver P. Morton was a Democrat, but in 1856 he and Conrad Baker were the Republican

candidates for governor and lieutenant-governor of Indiana against Ashbel P. Willard and David Turpie, the Democratic candidates.

When Mr. Morton came to southern Indiana campaigning, a large crowd assembled in a grove near Corydon early in the afternoon to hear him speak. While Godlove S. Orth was making his address, according to the program, and before it was Mr. Morton's turn to speak, Mr. Willard appeared in front of the stand, interrupted Mr. Orth, and said he was there for the purpose of discussing the public questions of the day with Mr. Morton, and desired to know if he could be accommodated. Mr. Morton stated that he and Mr. Willard had been unable to make arrangements for a meeting, and that he could not then enter into a joint discussion with Mr. Willard, as other gentlemen had been advertised to speak with him. Mr. Willard then turned to the crowd and said that all who wished to hear him speak should go to the court house. More than half of those present followed him. Mr. Gresham was on the platform at the time, and immediately on the conclusion of the meeting told Mr. Morton that under no conditions and on no pretext could he afford to avoid meeting Willard, that rather than that he should retire from the stump, and that in southern Indiana he should be as aggressive in opposition to slavery as he was among the Quakers of Wayne County. Morton acquiesced, met Willard at Leavenworth the next day, and followed up that meeting with joint discussions at other points. With Conrad Baker the young lawyer canvassed the district, and the friendship then formed was never broken. But it was different with Oliver P. Morton.

In the Cincinnati Convention of 1856, by reason of the two-thirds rule, Douglas was defeated for the nomination, but with a majority of the convention behind him, he first wrote the platform in which he pledged his party and its candidate to the principles of his Kansas-Nebraska bill, and non-intervention by Congress with slavery in State and territory.

Then James Buchanan, who had been, during all the Kansas-Nebraska trouble up to that time, the American minister at the Court of St. James, was made the Democratic candidate for the Presidency. He was acceptable to the Douglas Democrat and the extreme pro-slavery Democrat alike, because he had no record, and although John C. Breckenridge of Kentucky was named for the Vice-Presidency, George D. Prentice and his *Journal* delivered Kentucky's electoral vote to Fillmore and Donelson, the Know-Nothing candidates.

The pledges that Senator Douglas made in his speeches throughout the country that his party and its candidates would honestly and in good faith stand by the Kansas-Nebraska Bill, that is, that they would admit Kansas as a Free or Slave State as the people of Kansas might determine, held in line enough Democrats of free-soil tendencies to elect Buchanan. Willard was elected governor of Indiana by 6,000 majority. William H. English, who pledged himself to the principles of the Kansas-Nebraska Bill, was re-elected to Congress by a majority of 2,650 over his opponent, John C. Wilson, of New Albany. Many men that year, both North and South, masqueraded behind the American or Know-Nothing party, which presented Millard Fillmore, of New York, and Andrew J. Donelson, of Tennessee. The popular vote was for Fillmore, 974,536; for Frémont, 1,341,264; for Buchanan, 1,838,169. In Kentucky, Frémont received but 386 votes.

Four years later, when Douglas again wrote the platform, the Yancey crowd, in the meanwhile permeated with Prentice's ideas against the squatters, bolted.

CHAPTER IV

MARRIAGE—CAMPAIGN OF 1858

MARRIAGE AND WEDDING TRIP—NEWSPAPERS—BUCHANAN REPUDIATES KANSAS-NEBRASKA BILL—ATTEMPTS TO ADMIT KANSAS AS A SLAVE STATE—DOUGLAS DENOUNCES AND DEFEATS BUCHANAN—KANSAS REJECTS ENGLISH BILL.

FEBRUARY 11, 1858, we were married. The practice of law, and the Brandenburg affair, one of its incidents, the campaign of 1858, and the Lincoln-Douglas Debate, which all dovetailed together, were of absorbing interest that year to Walter Q. Gresham.

Our wedding trip was by stage to Louisville, and thence by boat to Leavenworth, Crawford County, to attend court. On our return to Corydon we boarded with, or rather were the guests of, Colonel Posey, a venerable gentleman, dignified and courtly, a Virginian by birth and a son of one of the territorial governors of Indiana. He was a client of the firm of Slaughter and Gresham, and a great friend of my husband.

In a few months we left Colonel Posey's and went to live in a house on one of the hills at the edge of the town. Here our first-born arrived. Many were the good suppers we had there with Dr. Mitchell Jones as the chief guest. Fishing was a great pastime for my husband and for Doctor Jones. There were then bass in abundance in Indian Creek at the edge of Corydon, and in Blue River, a larger stream farther west which was the dividing line between Harrison and Crawford counties. In April, 1859, we purchased a house within a city block of the Constitutional Elm. The site was most desirable, and with some remodeling we had what I thought was the most attractive two-story cottage

of the town. In those days every one raised his own vegetables. We had a fine garden.

At this time the office of Slaughter and Gresham was on the second floor of a small building that stood in the public square near the court house. It had but one room upstairs, with windows on three sides and a door on the fourth, which was reached by a flight of stairs from the outside. My husband was full of jokes, good spirits, and good humor, and there was not too much shop talk at the home. At night when it was necessary to work on a case, it was done at the office, which was not far away.

There were a good many trials before justices of the peace in the outlying townships in Harrison County. While I never was in court nor present at the trial of any of these cases, I sometimes rode with my husband; but instead of attending the trials, would visit, when in the western part of the county, some of the Davises, relatives of his mother. On these occasions my husband often took along his rifle, and while he never professed to be a crack shot, he could easily bring down a gray squirrel from the top of the tallest poplar tree, often putting the bullet through its head.

When it came to newspapers we had Horace Greeley's anti-slavery New York *Tribune*, the Louisville *Journal*, edited by George D. Prentice, and the Louisville *Democrat*, edited by my friends, the Harneys.

My husband and my father both knew George D. Prentice personally, and frequently discussed his future and that of his paper. Prentice, as we have suggested and shall see, was the most influential political writer of his time.[1] Of him Henry Watterson said: "He not only did the writing but also the fighting for his party; he was intellectually the match for any man; he was physically and mentally afraid of no man." But Mr. Prentice was wanting in that sound judgment that is the gift of some less favored mortals. Conservative at first as a follower of Henry Clay, after

[1] See page 97.

Mr. Clay's death he drifted to the support or leadership of the extreme pro-slavery Secessionist propaganda.[1]

The Louisville *Democrat*, my paper, was pro-slavery. It was edited with ability, discernment, and sound judgment, but not with the brilliancy that Prentice displayed in the *Journal*. Prentice, in advocating the claims of the slaveholder, went beyond my father's paper, the *Courier*. He attacked Douglas and "Squatter Sovereignty" with all his logic and sarcasm. The Kansas-Nebraska bill, he said, was anarchy pure and simple, in that it substituted the rule of the mob, that of the first few squatters in a territory, for the judgment of the legislators of the whole people. Major Harney warned his contemporaries and his readers that Prentice was not a Democrat, and should not be permitted to undermine the Democratic faith with the old Federal and Whig principles about the supreme power of Congress over slavery in the territories, for if that principle was adopted the first Congress that was in control of the anti-slavery people would at once exclude the slaveholder from the territory. Of course the Harneys and their paper were partisans of Senator Douglas.

My father never failed to let us know what extreme views on secession were foreshadowed in his Louisville *Courier* and among the business men of Louisville. He did not quit active business in Louisville until the Fall of 1862. With all an Irishman's wit and deftness, he was fond of discussing with his "Abolitionist son-in-law" the current politics of the day. Every question hinged on secession. My father believed in secession, and he believed and said, as did most Secessionists, that the anti-slavery people, "the Abolitionists," would not fight. It was only when he talked thus that he annoyed my husband, who was a man who never made threats. He answered my father in a letter which I will quote later on, written during "the advance on Corinth." Always clear in his ideas, tolerant of the opinions of his fellows, and anxious to get the standpoints and study

[1] See page 97.

the workings of the minds of others, my husband encouraged my father and all guests to express their views. It was thus I heard every phase of the slavery and secession question discussed. It was a part of our life.

My husband's friend, Judge W. T. Otto, was the Republican candidate for attorney-general in 1858 against Joseph E. MacDonald, the Democratic candidate. Partisan lines had been drawn, and George A. Bicknell had defeated Judge Otto for re-election to the bench. In later years I knew Joseph E. MacDonald well. The personal interest was heightened by the controversy over the slavery question.

"It will be easy to make a campaign against the Democracy of this year," said Walter Q. Gresham. "If Kansas is allowed to vote herself into the Union as a Free State, as she undoubtedly will, the slave-ocracy will lose its control of the National government; if they break faith with the principles of the Kansas-Nebraska bill — the Douglas platform — and keep Kansas out of the Union by denying her a fair election, it is only a question of time until the control of the government will pass into the hands of men of reasonable and conservative views on the slavery question." [1]

One evening Samuel J. Wright came to call. He was no longer auditor of Harrison County, but proprietor of one of the two flourishing mills of the town and a general all-round business man. He was greatly excited. His first words were, "Bill English is goin' to flop." Always alert, "Slick Sammy" had with him a newspaper containing an elaborate speech by William H. English, who as the member of Congress from our district had been one of Senator Douglas's friends to block President Buchanan's efforts to admit Kansas under the Lecompton Constitution.

In this speech Mr. English set forth the advantages of the representative theory of government, and the disadvantages and dangers of the referendum. The latter was

[1] At the meeting of Congress, 1859, the pro-slavery senators removed Senator Douglas from the chairmanship of the Committee on Territories.

not in accordance with the Republican theory of government. While he would not deny that the Free Soilers in Kansas were in a majority — two to one — over their opponents, the voice of the people, he said, was not the voice of God, and the representatives of the entire people knew what was better for the nation than a few settlers in a territory.

Finally, on April 3, Mr. English proposed what was called the English bill. It provided that the people of Kansas could vote on August 3 on the proposition as to whether they would come into the Union under the Lecompton Constitution — but they were without power to change its slave provision to a free one; in other words, they could only come into the Union by adopting a slave constitution. As an inducement, or further bribe, as it was called, the English bill provided that if the Lecompton Constitution was adopted the new State would have a land grant of 20,000,000 acres; but, on the other hand, if the Lecompton Constitution were rejected, Kansas would not only lose the land grant but could not become a State until she had a population of 94,000, the ratio for a representative in Congress.

Over Senator Douglas's opposition, the English bill became a law.

Mr. English's "flops" almost cost him a renomination and then an election. It was his good fortune on August 3 to have the people of Kansas decide by a vote of two to one — 10,000 to 5,000 — to stay out of the Union rather than adopt the Lecompton Constitution. So long as Kansas did not actually become a Slave State, and John M. Wilson, the New Albany lawyer, was the opposition candidate, the masses of the Democrats of the second congressional district were content to vote for English's re-election. Mr. Wilson's private and professional life was vulnerable, and on these lines in their joint discussions, Mr. English, who was an aggressive and forcible campaigner, as well as a man of physical courage, pressed the contest.

As a public man Mr. English was thoroughly discredited.

Mr. Gresham and the other stump speakers argued that he had broken his own plighted faith, as well as that of his party, on the Kansas question. The strictures that my husband and his friends had passed on Douglas in the previous campaign were withdrawn, and he and the principles of his bill were lauded to the skies. The settlers of a territory, so long as they prepared to organize their government on the principles of the Declaration of Independence, were a safer guide than Mr. English and his associates in Congress, who proposed to legislate on the lines of the slave code of South Carolina. His reduced majority, the vigor with which he was attacked, which no man could forever endure — it had been kept up since 1854 — and the bitterness of the contest that he said privately he knew was to come, led Mr. English to announce that he would retire at the end of his term in March, 1861. He did so, and went into the banking business at Indianapolis.

My husband was much disappointed that Mr. MacDonald had defeated Judge Otto for attorney-general by a small margin, less than 2,000. In the legislature the Republicans and the Anti-Lecompton Democrats were in a majority.

CHAPTER V

THE BRANDENBURG AFFAIR

WALTER Q. GRESHAM'S LAW BUSINESS — THE BRANDENBURG AFFAIR — HEROISM OF HORACE BELL — ADJUSTMENT OF THE CONTROVERSY WHICH PROMISED TO END IN WAR — STATUS OF SLAVEHOLDERS AS TO WAR — STANLEY YOUNG KILLS COLONEL MARSH.

SLAUGHTER and Gresham were the attorneys for the New Albany & Corydon Plank Road Company, the only corporation operating in the county. In 1859 the firm of Slaughter and Gresham was dissolved. This became necessary because Mr. Slaughter was commissioner in so many partition suits and administrator of so many estates, that he could not attend to his share of the firm's business. My husband continued alone in the practice. He had all kinds of litigation, and much of it in volume. He had suits on notes, foreclosures of mortgages, mandamus proceedings, and was employed to assist the Democratic prosecuting attorney in much of the criminal business. He succeeded in convicting one defendant who feigned sickness and was brought into court on a cot. He defended successfully another defendant under indictment for murder. In the Crawford Circuit Court, representing some creditors, after a long contest he got a judgment on a verdict of jury for $30,000 against the silent partners of a firm which owned a line of steamboats; but during his absence in the army it was reversed by the Indiana Supreme Court and the claim was lost. There were Kentuckians on both sides of that lawsuit. In those days there were scarcely any business corporations. The steamboats on the Ohio River were owned and operated almost entirely by individuals. During

the special session of the legislature in the Spring of 1861, my husband came home long enough to bring a number of lawsuits, all of which he turned over to Mr. Slaughter. During the first year of the war Mr. Slaughter sent him a statement of his business, from which it appears he had two score Kentucky clients scattered along the river as far down as Cloverport and back into the country to Elizabethtown and Hardinsburg, the county seats respectively of Hardin and Breckenridge counties.

His most dramatic case was one which grew out of the ever-present slavery question, which was known as the "Brandenburg Affair." It was an extreme example of the peculiar conditions then existing along the border, and was so serious that for a time fear existed that it might bring on war. It was so notorious that it was subsequently dramatized and staged. That it was finally settled without bloodshed was largely owing to the conciliatory spirit in which Walter Q. Gresham conducted his client's case.

This client, Horace Bell, the hero of the "Brandenburg Affair," was the son of David J. Bell, who in 1839 had purchased the "Brandenburg ferry" and the farm in Harrison County, Indiana, on the Ohio River opposite Brandenburg, the county seat of Meade County, Kentucky. From the earliest times there had been a ferry at this point and a highway thence via Mauckport to Corydon.[1] Most of the people of the southern part of Harrison County, as the saying was, "did their trading" at Brandenburg.

David J. Bell and his wife were of good Revolutionary War stock and were born and raised in Washingtontown, then a part of Virginia but thrown into Pennsylvania by the final location of the Mason and Dixon line. The operation of the constitution and laws of Pennsylvania freed the slaves of Mrs. Bell's father, who was a Wright. Another of the daughters, Julia Wright, became the wife of Doctor Jones of Corydon, and the mother of Doctor Mitchell Jones, my husband's most intimate friend. David J. Bell left

[1] See page 33.

Pennsylvania and settled first at Wheeling; thence in 1829 he moved to New Albany, where in 1830 Horace was born. Oswald Wright, one of the former slaves of the father of Mrs. Jones, followed "Miss Julia" to Corydon and became one of the free negroes of the town. He lived in a small house that belonged to the elder Doctor Jones. The Bell children, better educated than was the custom of that time, went to school in Brandenburg, except the youngest boy, Charles. He had lived most of his life with his Aunt Julia. By 1857 Charles Bell's head was completely turned by the anti-slavery agitation of the time and by the stories his Aunt Julia told him about what the boys had dared in the early '50's. Had "Aunt Julia" lived in these days, she would have been a "militant." And her sister, Mrs. David J. Bell, was certainly a Spartan if ever a woman was one.

In 1851, when Horace Bell was twenty years of age, his father sold a negro boy he had "indentured," to a relative in Meade County, Kentucky, and with the purchase price, five hundred dollars, equipped Horace for migration to California, where John, the senior brother, had gone with the "forty-niners." Up to this time the elder Bell was not an Abolitionist, and he never afterwards admitted that he was one; neither did Horace Bell, although he lived right in the midst of the greatest activities of the Underground Railroad in the late '40's and early '50's. I use the term Abolitionist in the technical sense of that time, an advocate of forcible resistance of the law. From California, Horace went to Nicaragua with the Walker Expedition. He served under Walker for two years, rising to the rank of major. Reports came back of his gallantry in battle, of his affairs of honor and of the heart. The fact that Walker's purpose was to establish slavery in Nicaragua satisfied some of the Kentuckians that the Bells were not Abolitionists, and they were not without friends and partisans among the best people and largest land and slave owners in Meade County. But many of the Kentuckians in 1858 believed and claimed

that the Bells not only assisted but had even encouraged the Kentucky slaves to leave their masters. I still share some of the prejudices of that time against the Bells. On the Indiana side it was the belief that no runaway negro was ever denied assistance by the Bells. David J. Bell had aided in capturing Levi Sipes after he had murdered my husband's father, and Horace Bell knew the Gresham boys, especially Walter.

At this time there lived in Brandenburg a negro blacksmith named Charles, who was the property of Dr. C. H. Ditto, a large slaveholder who lived in Meade County nine miles back from the river. Charles had a wife, Mary Ann, who belonged to A. J. Alexander, one of the merchants of Brandenburg. The pair lived near the river in a small house belonging to Alexander. Charles was a skillful workman, a valuable slave, and so trusted that he was permitted to have a skiff in which he was allowed to cross the river to fish and to shoe horses for people on the Indiana side.[1]

On Friday evening, the 26th day of September, 1857, Charles Bell, a seventeen-year-old boy, and the negro Charles were seen in Brandenburg at the blacksmith shop. Later, about ten o'clock, Charles Bell started from the Brandenburg wharf boat in a skiff for the Indiana side. Early the next morning, Saturday, the slave gave it out he was going to the Indiana side to fish. This was the last ever seen of him in Brandenburg. On the Monday following, as he was not in the blacksmith shop in Brandenburg, the cry was raised that he had run away. It happened that on the same Saturday, starting early, the elder Bell rode on horseback across the country to New Albany, and thence by ferry to Louisville, for the purpose of cashing a draft Horace Bell had sent him from California. Returning home, he remained over Sunday in New Albany. On his journey back on Monday, when near home late in the afternoon, he was met by a party of Kentuckians, or "slave hunters," as the Bells afterwards called them, hunting for the missing blacksmith. They stopped the old man and

[1] See pages 37 to 41; also 100 to 102.

proceeded to ask him where he had been and for what. He returned the curt answer, "It is none of your business."

One night two weeks later, a party of Kentuckians surrounded the Bell house, which stood just above high-water mark facing south towards the river, and by force removed the father, Charles Bell, and the free negro, Oswald Wright, to the ferry boat that lay at the Bell landing. Before the boat swung out into the river a Kentucky constable read a warrant, charging the Bells with having stolen the negro, Charles, and commanding that they be brought forthwith before a magistrate in Brandenburg. Kentucky had always claimed jurisdiction over the Ohio River to low-water mark on the Indiana side, and as the river was then low and the boat lay below the low-water line, the pretext was afterwards made that the apprehension was under the warrant. From the Brandenburg wharf the Bells and Wright were taken direct to the Brandenburg jail. The next day there was a preliminary hearing before the magistrate who issued the warrant. At this hearing it developed from the testimony of C. B. Johnson of Brownstown, Jackson County, Indiana, and Mrs. Withers of the same place, that after Johnson saw a reward offered in the newspapers for the return of the negro, Charles, he visited Corydon and the Bells at their farm under the guise of a horse trader; that Wright confided in him that he had conveyed the negro, Charles, from the Bell farm to Brownstown on the Cincinnati & St. Louis Railroad; that Charles Bell told him that they had planned the escape of the negro, as Wright said he had done, and that Wright had loaned his free papers to Charles to help him along, should his right to freedom be questioned, and that they proposed next to carry off Mary Ann. But Mary Ann lived and died in Brandenburg. Charles escaped to Canada. Mrs. Withers identified Wright as a negro who came to her house in Brownstown on Monday morning, the 29th day of September, 1857, and said he had left a negro named Charles Ditto at the depot; and upon her

agreeing to give them breakfast, Wright left and returned with the other, and she then gave them breakfast. That Wright should make this statement to a stranger—Mrs. Withers—as she admitted she was, the Bell attorneys afterwards claimed was most improbable. Wright denied he ever made such a statement. Both David and Charles Bell denied all complicity in the escape of the negro. They were remanded to the jail, and on the 25th of November the grand jury of Meade County returned six indictments against them.[1]

The elder Dr. Mitchell Jones was greatly excited when he heard of the arrest. He employed Judge Porter and Samuel Keen to defend the Bells and Oswald Wright. Judge Porter and Mr. Keen in turn employed T. B. Farleigh and John Coale of the Brandenburg bar to appear in court. This the Kentucky lawyers did with fidelity and ability. They took advantage of all the technicalities that due process of law afforded in defending their clients.

Horace and John Bell immediately started for home from California when they heard of the kidnapping of their father and brother. They came back by way of Panama and the Mississippi and Ohio rivers. John got off the boat at Tobacco Landing, the first landing above Brandenburg on the Indiana side, and went to his mother, who had remained in the meanwhile on the farm. This was in May, 1858. Horace went on to New Albany, then to Corydon, where he walked into Mr. Gresham's office and insisted that his boyhood friend should be his lawyer. At

[1] First: "Commonwealth *vs.* David J. Bell, Charles Bell, and Oswald Wright (a free man of color), charged with enticing Charles, a slave, to leave his owner. (Joint indictment.)"

Second: "Commonwealth *vs.* David J. Bell, Charles Bell and Oswald Wright, charged with stealing Charles, a slave, from his owner."

Third: "Commonwealth *vs.* David J. Bell, Charles A. Bell, and Oswald Wright, charged with enticing a female slave named Mary Ann to leave her owner."

Fourth: "Commonwealth *vs.* David J. Bell, Charles A. Bell and Oswald Wright, charged with conspiring to run off a slave named Charles."

Fifth: "Commonwealth *vs.* David J. Bell, Charles A. Bell and Oswald Wright, charged with conspiring to run off a female slave, Mary Ann."

Sixth: "Commonwealth *vs.* Oswald Wright, charged with furnishing a slave named Charles with forged and false papers."

this time Horace Bell was a tall, handsome man. Stories told of him—many, no doubt, the product of the imagination—did much to excite the popular mind. One was that he had twice appeared on the field of honor, and that while he had lived to tell the tale it was not so with his opponents, for he was a dead shot.

Colonel William C. Marsh, soon after the kidnapping, raised a large force of armed men with the intention of crossing the river and releasing the prisoners. But the expedition miscarried because the boats that were to transport Colonel Marsh's forces failed to reach Leavenworth, the meeting point, at the appointed time. There were on guard in Brandenburg, the Meade County Rangers, a company of militia, and several companies of the Kentucky Legion ordered there by the Governor of Kentucky to prevent the release of the prisoners. All were under the command of Captain Jack Armstrong, who had served with Horace Bell in Nicaragua. At first the return of Horace and John Bell added to the excitement. They were tendered the aid of five hundred men to invade Brandenburg. But acting on the advice of my husband, they publicly declined this offer. Then Horace Bell, although notified by letter that he would be promptly shot if he came to Brandenburg, went there with my husband and endeavored to secure a release of his father and brother on bonds. Alanson Moreman and Olie C. Richardson, both slaveholders and two of the largest landowners in Meade County, offered to become sureties for the Bells in any reasonable amount, but the penalties named were so high that they refused to qualify. Bell was taunted on the streets of Brandenburg with being a coward. He afterwards claimed that but for the advice of his counsel, he could not have borne this. One day after an adjournment of court a crowd followed them to the hotel. Here Bell made a short speech. He said he did not propose to involve the States in a border warfare; that he had declined the aid of armed men; that he had come to

Kentucky to get justice in the courts and, failing in that, he and his brother alone would come there in daylight, break the jail, and take the prisoners out. This, contrary to my husband's fears, the crowd regarded as a joke, and said that a man who talked as big as Horace Bell did would not attempt anything.

Two weeks later my husband came home from Brandenburg greatly distressed. He had gone there about the Bell matter and while he, Horace Bell, and Colonel Marsh were standing in front of the Brandenburg Hotel talking, Stanley Young, from a balcony above, shot Marsh dead. They stood so close together that some of Marsh's lifeblood spurted on my husband's clothes. Colonel Posey was greatly excited and thought it strange that Stanley Young would risk shooting his own lawyer and friend in order to kill an enemy. Stanley Young was my husband's schoolmate and one of his first clients. In my first chapter I described him and how Colonel Marsh killed his father. It was erroneously supposed that this was an incident of the Brandenburg affair, but it was not — Stanley Young merely took advantage of the excitement of the Bell kidnapping to kill the slayer of his father. He immediately escaped. He was indicted by the Meade County grand jury, but was never apprehended. His lawyer settled his father's estate and remitted to him his portion of it. He came back to Brandenburg and Corydon in 1863 with Morgan's Raiders, and died in southern Illinois a much respected and prosperous citizen, but under another name.

Among the efforts my husband made looking to the release of the Bells, he led a party to Governor Willard and demanded that he, as Governor of Indiana, demand of the State of Kentucky the return of the abducted men. But Willard refused to interfere.

One day at noon Horace Bell walked into the office of Walter Q. Gresham. He had just ridden up from the Bell farm. My husband and his client were alone. Bell

told Mr. Gresham his plan was to disappear and have the rumor go out that he and his brother John had gone back to California. The quiet that would follow, he said, he thought would cause the Kentucky authorities to decrease the number of guards and relax their vigilance. Then, when the excitement was allayed, Horace Bell said, "My plan is for John and me to cross the river, surprise the jailor, release father and Charles, arm them and get back to the Indiana side without firing a shot, if possible; otherwise, to fight." The only answer received was, "The audacity of your plan will almost warrant its success." Without another word Bell left the office and went back to the river.

There was to be a picnic up the river, and Horace and John Bell calculated that many of the Brandenburg men would attend it. Meanwhile the report had gone forth that they had left for California. Horace, although the younger, was the leader. John doubted the success of the plan, but Mrs. Bell, who was at home sick, sided with Horace.

On the 27th of July, 1858, just before noon, Horace and John strapped on their revolvers, and with a carpet bag loaded with six-shooters and ammunition, got into a skiff, with a fourteen-year-old mulatto boy as oarsman, and rowed over to Brandenburg. The boy was indentured to the elder Bell. He was the son of a distinguished Kentucky lawyer.

In order to attract as little attention as possible, Horace took one street and John the other, south to the jail, which stood on the south side of the public square about one-quarter mile back from the river. Between the jail and the river, on the north side of the square facing south, was the court house in which were the arms and ammunition of the guards or minute men, who were the county officers, the lawyers, and the merchants of the town. The lawyers' offices lined the west side of the square. On the east side were the stores. As the Bell boys had calculated, most of

the people of the town were at their noonday meal and the surprise was perfect. Horace reached the jail first. The jailor and his wife and two guards were at the dinner table. At the point of the revolver the dinner party was driven into one corner of the room; but not soon enough to prevent one of the guards from jumping out of a rear window and giving the alarm, which created an awful din. Meanwhile John came in, got the jail keys from the bureau drawer, sprang upstairs, unlocked the jail doors, armed his father and Charles and locked the other prisoners in. Temporarily Oswald Wright had been removed from the jail. Years afterwards I asked Horace Bell what he would have done with Oswald Wright had he found him in the jail with his father and brother. His answer was, "I don't know, he was no kin of mine." As the three came downstairs, Horace ran to the court house where the arms were stacked, before the minute men could assemble, and held them off as the others retreated to the river. The mulatto boy had proved faithful and was there with the skiff. As the Bells were descending to the levee, the crowd opened fire on them, but as the firing was from an elevation, the bullets passed over them. They returned the fire, purposely shooting high, which was enough to cause their pursuers to retreat. Then they rushed to their boat and without further molestation, except a few straggling shots, crossed safely to the Indiana side. No one was hurt.

Horace Bell was the hero of the hour, and, as he himself afterwards said, did too much exulting and drank too much "John Barleycorn." On October 25, 1858, while quietly walking the streets of New Albany during the State fair, he was seized by three men, who pounced upon him from behind and rushed him to one of the ferry boats of the New Albany and Portland ferry, which, as had been previously arranged, immediately put off to the Kentucky side. That night he was driven under strong guard to Brandenburg, and there locked up on the charge of having broken

jail. Upon the report that expeditions were organizing at New Albany and Corydon to release him, he was removed next morning to Big Springs, a small town ten miles south of the river. Here, under guard, he was kept in the hotel until the next night. Meanwhile a large body of men from New Albany came down the river on a steamboat with two cannons on its deck, and anchored in front of Brandenburg. Part of the men from the steamboat joined a party from Corydon, who landed on the Kentucky side and camped upon the farm of Alonzo Norman above Brandenburg. The next night Bell was removed farther back into the interior to a schoolhouse.

Meantime, as Captain J. M. Phillips—afterwards a successful member of the Chicago Board of Trade, then a merchant in Brandenburg—put it, "Walter Q. Gresham made overtures for a settlement, which was promptly sanctioned by the leading slaveholders of Meade County, as they deprecated the actions of the hotheads on their side and feared the complications that might ensue if Bell was detained too long. . . . At that time Judge Gresham, although a young man, was well known and popular on the Kentucky side of the river, and when he came campaigning through the river townships of Harrison County, many Kentuckians always went over to his meetings."

The agreement was that Bell was to have a preliminary hearing before the town magistrate of Brandenburg and be held to bail to appear at the November term of the Meade County Circuit Court, in bonds of $750. From the schoolhouse, still under an armed escort, Bell was taken to the farm of Olie C. Richardson, where a sumptuous breakfast was served, and thence by a guard and escort of three hundred men to Brandenburg, where after a semblance of a hearing before two justices of the peace, he was released. Alanson Moreman and J. M. Phillips of Meade County, both slaveowners, and John R. Conners of New Albany, were accepted as sureties on his bond. But instead of appearing

at the November term of the Meade County Circuit Court, as it was understood he would, Horace Bell returned to California. The bond was declared forfeited, and at the May term in 1859, a judgment was rendered against the sureties. This judgment was subsequently satisfied by the executive branch of the Kentucky government in accordance with the understanding had at the time that they would never be required to pay anything by reason of being Horace Bell's bondsmen. "But," said Captain Phillips, "we could not get the prosecuting attorney to remit his fees and we had to pay him."

The indictments against David and Charles Bell were stricken off the Kentucky dockets, but were never dismissed. A civil suit in attachment, which had been begun on the 27th day of October, 1857, in the Meade County Circuit Court under a pretense of jurisdiction against David and Charles Bell and Oswald Wright, to recover the value of the slave, and had passed into a judgment by default against the Bells and Wright in the sum of $2,000 and $100 respectively, was never attempted to be enforced in Indiana. Of course, in those days of discrimination in every State in the Union against the freedman, it was a difficult task for the Kentucky lawyers to free Oswald Wright. But "Tom" Farleigh, my husband's friend, whom we will meet again in a great emergency, came up to the best traditions of the American bar. It was agreed in advance it would not do for any lawyer from the north side of the river to appear for Wright. At the May term, 1859, Oswald Wright was placed on trial for stealing the negro Charles, and although the jurisdiction of the court was properly questioned, he was convicted and sentenced to the Kentucky penitentiary for five years. But so well had Farleigh and Coale done their work in their objections to the jurisdiction of the trial court, that Wright was soon released and returned to Corydon, where he lived until his death. He was a good negro, industrious, and saved his earnings. By his last will he

left his property, which consisted of two houses and lots, to Mrs. Julia Jones.

Soon the Bell farm was sold, and David and Mrs. Bell went to Ohio and then to Missouri to live. John followed Horace back to California. "Charlie" Bell returned to Corydon and remained there until he enlisted early in 1861 in the 20th Indiana Volunteers. He was killed before Petersburg in 1864, being then a captain but in command of his regiment. Seven regimental commanders ahead of him had met his fate. He was a gallant soldier, and the commission which would have still further promoted him never reached him.

It was the belief in Corydon that David J. Bell knew nothing of the plan to "run off" the negroes Charles and Mary Ann, but there never was any doubt in the minds of the people that Charlie Bell planned and executed the escape. Horace Bell said he never inquired as to exactly what had happened before he returned from California. My husband uniformly said he was not called on to express an opinion, except that Kentucky had not acquired jurisdiction over the persons of the Bells and Oswald Wright. Considerate and deferential as he was, when the time came to act he never hesitated. In 1886 Horace Bell entered the newspaper field at Los Angeles. It was not long until he was sued for $300,000 damages for libel by "Lucky" Baldwin. In the prosecution of the suit, Baldwin assailed Bell on account of his record in the Brandenburg Affair. Bell appealed to United States Circuit Judge W. Q. Gresham at Chicago. The answer was: "Your conduct from beginning to end in the Brandenburg Affair was praiseworthy and honorable."

There was great exultation among the anti-slavery people along the border over the Brandenburg Affair. This my husband deprecated all he could. On the other hand some of the good people of Meade and adjoining counties in Kentucky approved the action of Horace and John Bell, and

rejoiced in their successes. Doctor Ditto's brother, himself a slaveholder by inheritance, publicly commended Horace Bell for his gallantry. Captain Phillips afterwards told me: "I admired Horace Bell's nerve and was glad to go on his bond. Besides," he said, "I never was much of a 'nigger man.' My father left me a few slaves; I could not free them under the Kentucky law without giving a bond for their support. It was cheaper for me to keep them and support them than to enter into a bond with the State of Kentucky which might involve liabilities I could not foresee."

Captain Phillips was a fine type of Kentuckian, as well as a man of means and a far-sighted, clear-headed business man. When he was an operator on the Board of Trade the big men could not lower or raise the market too fast to catch him. He, as other men in 1861, saw the economic if not the moral side of slavery. At that time there were only 100,000 slaveholders in the United States. Ten years later, under the workings of the system their numbers would have been less. "The proposition to arm the slaves never found favor with the rich men of the South," as an old ex-Confederate once said to me. "A young able-bodied negro was too valuable an animal to be made the target for Yankee bullets." "A rich man's war and a poor man's fight," is a misnomer. It was not the large slaveholders who rushed Mississippi into secession, and it was the large slaveholders who helped to hold Kentucky back.

CHAPTER VI

THE LINCOLN–DOUGLAS DEBATES

LINCOLN'S "HOUSE DIVIDED AGAINST ITSELF" SPEECH, WHICH LED TO THE LINCOLN-DOUGLAS DEBATES — THE PRETEXT FOR SECESSION — THE DRED SCOTT CASE — MR. LINCOLN'S ASSAULT ON CHIEF JUSTICE TANEY — THE DRED SCOTT CASE AS PART OF THE ABOLITIONISTS' SYSTEM OF AGITATION AND REVOLUTION.

I HEARD much of the Lincoln-Douglas debates that grew out of the "House Divided against Itself" speech. Again and again I heard my husband as a lawyer discuss that debate with the best lawyers in the land. It may be only a woman's idea, but if it be true that that speech, which contained the attack on Chief Justice Taney and the declaration that "the Union cannot exist half slave, half free," and in which he said he would not obey the Dred Scott case if a member of Congress, made Mr. Lincoln president, it also brought war and secession.

There was wisdom in the advice of the twenty men, all anti-slavery and practical politicians, among them his law partner, to whom Mr. Lincoln submitted early in June, 1858, at the State House in Springfield, that most famous speech in manuscript form. The judgment was unanimous that it should not be delivered.

It was "unconditional and immediate absolutism." The thought was Wendell Phillips', the words only were Abraham Lincoln's.

In the early days of his administration, Mr. Lincoln, in answer to a question as to what he would do, said: "We will manage to keep house some way." Keeping house, many women will admit, is not an easy task; less difficult,

some assert, and the men have not entirely succeeded at it, than running the government of the United States. In the ultimate analysis the two are not entirely different, and on many occasions I have had a hand, as has many another woman who has been on the inside, in starting or in setting in motion the most important part of the machinery of the government of the United States.[1]

Born and bred to a system that denied to a human being with one-sixteenth African blood in his or her veins the right even to testify in a white man's court, Walter Q. Gresham understood what the historian does not seem to comprehend, that the negro who could not testify in a white man's court should not be permitted to sue a white man, much less a white woman, in a white man's court, and that freeing a slave did not elevate that slave to citizenship.[2]

The inherent evidence tends to confirm one of the rumors of those days, that the Dred Scott case was made up—made up by the Abolitionists. If so, it would not be the first time the same man or interest imposed on a court by running both sides of a lawsuit without even the contending lawyers being on the inside.

The most insidious species of flattery is to tell an old man his *ipse dixit* will settle a great controversy. Adopting the language of Justice Story in the Prigg case,[3] which had been so fruitful of agitation, old Justice Wayne said in his concurring opinion in the Dred Scott case: "The case involves private rights of value and constitutional principles of the highest importance, about which there has come such a difference of opinion that the peace and harmony of the country requires the settlement of them by judicial decision." However it may be viewed at this late day, I think all will agree that the decision in the Dred Scott case did not make for "peace and harmony."

Well may the court have sidestepped, for the Union

1 See Chapter XXV, pages 416–419.
2 See Chapter XIX.
3 See Chapter II, pages 42–44.

Senator John Bell of Tennessee had objected in the Compromise of 1850 that the question of slavery in the territories was a political one and that no court was strong enough to decide it. But Congress, with the approval of every public man in the country, by the Compromise provided that every question involving slavery in the territories might go to the Supreme Court.

Here was the opening the Abolitionist lawyer wanted. Should Associate Justice Benjamin R. Curtis stick to his early views and concur with the court that it was a pro-slavery Constitution, it would establish one of their premises to support their conclusion that the Union should be broken up. But they had overcome him by the "power of their intellect and the brilliance of their language."

They believed that he would eat his own words that slavery was moral, agree with them it was immoral, and then endeavor to construe the pro-slavery Constitution as a free instrument. But whether or not he would influence any of his brethren was immaterial, for either course would help their plan of agitation to increase the bitterness of the sections, so that war might follow unless the so-called statesmen, as they said, should settle the controversy as statesmen should and as the English Abolitionists had forced the English statesmen to do.

It was a kind, sweet, gentle woman, Elizabeth Herrick, an English Quakeress, who formulated the Abolitionist platform, "Unconditional and immediate abolition."

Meantime, the Abolitionist organization, with Wendell Phillips at its head, was helping finance the anti-slavery immigrants who were pouring into Kansas, and advising them to meet force with force. Phillips was no mere gabbler; he risked his life in the streets of Boston against armed officers of the law, both State and National. And he was a lawyer. Consider the uses he had made of the Prigg case.

If the truth could be known, it was the Abolitionists

who "staked John Brown in the Harpers Ferry raid." Phillips applauded it. He went to Europe and told the French, English, and Irish Abolitionists that for the first time in his life he was proud to be an American. I remember the John Brown raid as if it had occurred but yesterday. From it Walter Q. Gresham turned in horror.

And some of my historian critics will urge that the Thirteenth and Fourteenth Amendments had had nothing to do with slavery in the territories. They grew out of it. And when it is considered that after the surrender, with the South prostrate, it took these two Amendments to the Constitution of the United States to "reverse" the Dred Scott case, it must be conceded there was some ground for it.

One night at Secretary of the Treasury John G. Carlisle's residence, during the last Cleveland administration, there was a discussion of New England men and measures. Mrs. Carlisle said: "Judge, you are harder on the Yankees than we are!" My husband had just said: "I can appreciate the relief it was to many of the New England statesmen when Wendell Phillips died, for E. R. Hoar said they all approved that last act of Phillips'."

The conversation turned to Charles Sumner. My husband remarked: "General Grant never liked Sumner. Whatever you people may think of General Grant, he was sincere, though sometimes mistaken." It was said in General Grant's presence, "Charles Sumner does not believe in the Bible." "No," replied the General, "he did not write it."

In the first of the Lincoln-Douglas debates, Senator Douglas charged Mr. Lincoln with being an Abolitionist and a Revolutionist, and proved it, as the pro-slavery man thought, by Mr. Lincoln's "House Divided against Itself" speech. For Southern consumption, — to separate Senator Douglas from his Southern friends, for that was Lincoln's asserted purpose – he demonstrated in the Alton debate

that Senator Douglas was the best Abolitionist of them all.[1]

Wrongly decided, Mr. Lincoln said he would not obey the Dred Scott decision. But if correctly decided, he said there was no escape from its conclusion that it carried slavery into the territories, and that all the power of the National government should be exerted to protect the slaveholder in his slave property instead of leaving to the territorial legislature the measure of protection, if any, the slaveholder should receive after he reached the territory.

George D. Prentice, in the Louisville *Journal*, seized on

[1]In the Freeport speech, Senator Douglas said:

"The next question propounded to me by Mr. Lincoln is: 'Can the people of a territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to the formation of a State Constitution?' I answer emphatically, as Mr Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a territory can, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska Bill on that principle all over the State in 1854, in 1855, and in 1856, and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question 'whether slavery may or may not go into a territory under the Constitution,'—the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless supported by police regulations. These police regulations can only be established by the local legislature; and if the people are opposed to slavery, they will elect representatives to that body who will, by unfriendly legislation, effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on the abstract question, still the right of the people to make Slave Territory or a Free Territory is perfect and complete under the Nebraska Bill."

In the Alton debate, Mr. Lincoln said:

"And if I believe that the right to hold a slave in a territory was equally fixed in the Constitution with the right to reclaim fugitives, I should be bound to give it the legislation necessary to support it. I say that no man can deny his obligation to give the necessary legislation to support slavery in a territory, who believes it is a constitutional right to have it there . . . I say if that Dred Scott decision is correct, then the right to hold slaves in a territory is equally a constitutional right with the right of a slaveholder to have his runaway returned. No one can show the distinction between them; the one is expressed so that we cannot deny it; the other is construed to be in the Constitution, so that he who believes the decision to be correct, believes in the right; and the man who argues that by unfriendly legislation, in spite of that constitutional right, slavery may be driven from the territories, cannot avoid furnishing an argument by which Abolitionists may deny the obligation to return fugitives, and claim the power to pass laws unfriendly to the right of the slaveholder to reclaim his fugitives. I do not know how much an argument may strike a popular assembly like this, but I defy anybody to go before a body of men whose minds are educated to estimate evidence and reasoning, and show that there is an iota of difference between the Constitutional right to reclaim a fugitive and the Constitutional right to hold a slave in a territory, provided the Dred Scott decision is correct. I defy any man to make an argument that will justify unfriendly legislation to deprive a slaveholder of his right to hold his slave in a territory, that will not immediately, in all its length, breadth, and thickness, furnish an argument for nullifying the fugitive slave law. *Why, there is not such an Abolitionist in the nation as Douglas after all!*"

Mr. Lincoln's proposition that if the Dred Scott case was right, and "Squatter Sovereignty," or home rule in the territories, all wrong, to argue with the greatest force and the fiercest denunciation of all who questioned his conclusions, that every power of Congress and the executive should be exerted to protect the slaveholder who took his slaves to a territory. He separated John C. Breckenridge, then Vice-President of the United States, from the doctrine of Squatter sovereignty, and from Stephen A. Douglas. Prentice's views went like a shot to the Gulf.[1] Many a time since the war have I heard the Southern women complain that "our worst Secessionists were Yankees." Not only that, but I can say that the hardest masters among the slave owners were New England men who settled in the South. Here I am simply reciting facts.

I know how the agitation affected my father. He was not a bitter pro-slavery man in the beginning, as I have shown. Indeed, he wanted to get away from slavery. But the fury and assaults of the Abolitionists made him, as well as others, frantic. And with his keen Irish mind, he was alive to every phase of the question.

As I have before stated, Walter Q. Gresham was not an Abolitionist. That innate consideration for others, more even than his education and environment, led him to a different course, and he was most considerate of my views and those of my father. He was then considerate in private, as well as in public, of what he said about the men and institutions of the South, irritated as he was at times at Southern arrogance. He did not then assail the Supreme Court. But he could and he did press the immorality of slavery in a way that did not make the pro-slavery men wild.

To use one of Mr. Lincoln's own expressions in the Lincoln-Douglas debate, "The winnings were not all on one side." Under the pressure of Senator Douglas's assaults, Mr. Lincoln retreated farther than Walter Q. Gresham was

[1] See page 73.

willing to go even to save the Union. After Mr. Lincoln got the advice of the Czar of all the Russias, with the balance of Europe with England in the lead against him, as to the supreme importance of preserving the Union, he announced his willingness to make any concession to the pro-slavery people—that his sole purpose was to save the Union, and that too with or without slavery. This was not exactly consistent with his riding into power on his avowed determination ultimately to abolish slavery because it was immoral, and his criticism of Douglas for stabbing the institution in the back by saying, "I care not whether slavery is voted up or voted down. I will leave it to the people." Possibly, had Douglas lived, his great devotion to the Union might have induced him to assent to the concessions Mr. Lincoln was willing to grant, but down to the last Douglas was insistent, the election of 1860 being interpreted as a "voting down," that it should be a finish fight. I know whereof I speak. Never was Walter Q. Gresham willing that should be done which Mr. Lincoln announced in his first inaugural address might be made "express and irrevocable" in the Constitution, because he said there was implied the right to own and hold a slave. Fair, open, and, as near as it can be, honorable war, not the John Brown kind, was what the pro-slavery men could have if they wanted more than the fathers had granted. Having shed his blood for the preservation of the Union, and incidentally for abolition of slavery, Walter Q. Gresham, according to many who were at a safe distance in the rear, was not a good Republican for desiring to welcome back to our body politic the brave men he had met on the battlefield, and intrusting to them, rather than to the inexperienced and half-civilized "Africans," the control of their local affairs.[1]

At Galesburg, in northern Illinois, Senator Douglas separated the Abolitionists from Mr. Lincoln by telling them

[1] See pages 460 and 471.

that when he had him, Lincoln, down at Charleston, in southern Illinois, among the ex-Whigs and pro-slavery men from Virginia and Kentucky, he had forced him to commit himself as to just where he stood on the subject of the black man. Mr. Lincoln could not deny his own words:

> I will say, then, that I am not now nor ever have been in favor of bringing about in any way the social and *political* equality of the white and black races; that I am not now nor ever have been in favor of making voters of negroes, or jurors, nor of qualifying them to hold office, nor to intermarry with white people. I will say in addition to this, that there is a physical difference between the white and black races, which, I believe, will forever forbid the two races living together upon terms of social and *political* equality; and inasmuch as they cannot so live, that while they do remain together, there must be the position of superior and inferior, and that I, as much as any other man, am in favor of the superior position being assigned to the white man.[1]

These are the words that, since reconstruction days, have been quoted by Southern men, with the acquiescence of the nation, in justification of the suppression of the negro vote in the South. At the time these words were uttered there was not a State in the Union that did not discriminate in its constitution and laws against the freedmen. Promptly asserting, in the remaining debates in northern Illinois, that the freedmen should be treated as human beings and accorded all the rights — among which he failed to mention the

[1] That Mr. Lincoln knew how to make concessions and still keep the edge of the sword against his opponent, the following language of the next paragraph of the Charleston speech attests: "I do not understand that because I do not want a negro woman for a slave, I must necessarily want her for a wife. . . . So it seems to me quite possible for us to get along without making either slaves or wives of negroes. I will add to this, I have never seen, to my knowledge, a man, woman, or child, who was in favor of producing a perfect equality, social and political, between negroes and white men."

In his rejoinder in the Charleston debate Mr. Lincoln begins: "Judge Douglas has said to you that he has not been able to get from me an answer to the question whether I am in favor of negro citizenship. So far as I know, the Judge never asked me the question before. He shall have no occasion to ever ask it again, *for I tell him very frankly that I am not in favor of negro citizenship*. . . . Now, my opinion is that the different States have the power to make a negro a citizen, under the constitution of the United States, if they choose. The Dred Scott decision decides that they have not that power. If the State of Illinois had that power, I should be opposed to the exercise of it."

ballot, and he never was for enfranchisement *en masse*—essential to the protection and enjoyment of their life, liberty, and property, Lincoln not only lost Abolitionist votes in northern Illinois in 1858, but the impression his "House Divided against Itself" speech produced on the pro-slavery men was not effaced for a long time.

We understood the Dred Scott case, for, as I have said, while Winnie, our cook, was free in Indiana, when she returned with us to Louisville, Kentucky, as she did at certain intervals, her status as a slave was resumed, as the Supreme Court of Massachusetts had held in the Megs case. "Old Winn" preferred Kentucky to living under the reactionary Indiana constitution.[1] The Illinois Black Laws were still on the statute books. And there was the Brandenburg case.[2]

To the last "Old Winn" was my friend. "I will never leave until I cook your wedding breakfast." And a most bounteous one it was. She was the last to shower on me her blessings. "Good-bye, Mammy," I said as I embraced her.

As we made the twenty-mile drive from Corydon to New Albany that crisp February morning, my young husband said his confidence increased that the promptings of the human heart would settle the slavery question.

Every Southern court that passed on it, after the ratification of the Constitution of the United States, held that the voluntary taking of a slave to free territory manumitted that slave even in the slave territory from whence the slave had been taken. Louisiana, Kentucky, Mississippi, and Missouri so held. To quote the language of the Supreme Court of Louisiana (in Marie Louise *vs.* Moret, 9 La. Rep. 475) in 1835: "The benign and liberal effect of the laws of France is such, *that Marie Louise being free there*

[1] May 2, 1860, Albert G. Porter, then a Republican representative in Congress, and later governor of Indiana, said, "It is not probable, Sir, with the prejudices of my early education, that I would be likely to have too great sympathy for negroes. In Indiana we have adopted a constitutional provision that no negro, whether he be bound or free, shall be allowed to come within its limits."

[2] See page 78.

one minute, it was not within the power of her former master to reduce her again to slavery in Louisiana."

In 1820, the Court of Appeals of Kentucky, in the case of Rankin *vs.* Lydia,[1] where it was claimed Lydia was free, and it was so held, because her master had taken her to the territory of Indiana, while not going as far as the Louisiana court, declared as follows: "And is it to be seriously contended that as soon as he transported her to the Kentucky shore, the noxious atmosphere of this State, without any express law for the purpose, clamped upon her newly forged chains of slavery, after the old ones were destroyed? For the honor of our country, we cannot for a moment admit that the bare treading of our soil is thus dangerous to the degraded African."

In 1827, in the celebrated Grace case, on appeal from the Vice Admiralty Court of Antigua, one of the British West Indies, Lord Stowell of the High Court of Admiralty, in a long but not logical or well-considered opinion, criticized, if he did not overrule, Lord Mansfield's opinion in the Sommerset case. In 1822, a Mrs. Allen, a British subject, residing in Antigua, went to England on a visit. She took with her as her maid one of her husband's slaves, named Grace. After a year's visit Grace returned voluntarily with Mrs. Allen to Antigua. August 8, 1825, at the instance of one of the West India custom officers — Wykes — an action was brought in the Admiralty Court of Antigua to test the question of Grace's manumission because she had been in England. At that time a slave was so far a chattel or an animal that he or she could not maintain a suit in his or her own name in the West India colonial courts. The Antigua court held that although free in England, Grace's status as a slave was resumed when she returned to Antigua, and the High Court of Admiralty affirmed that decree.

Still, the Grace case did not "feaze" the Southern

[1] A. K Marshall 467.

courts, and not until the Supreme Court of Massachusetts, in 1837 in the Megs case,[1] in an opinion by the venerable Lemuel C. Shaw, decided, in the face of the Louisiana decision we have just quoted, that a Louisiana slave owner could bring his slave to Massachusetts for a temporary purpose and not thereby manumit that slave, and Justice Story's unqualified endorsement of Lord Stowell's opinion in the Grace case, did the Southern courts abandon their humane and generous sentiments. Senator George F. Hoar in his memoirs places Justice Shaw at the head of the Massachusetts judiciary, and that seems to be the place accorded him by the bar of the nation. But neither as a law student nor as a judge did Walter Q. Gresham ever look on Justice Story, Justice Benjamin R. Curtis, or Chief Justice Shaw, as great jurists or statesmen, as Senator Hoar classes Chief Justice Shaw. The judgment of Chief Justice Shaw in the Megs case, and Justice Story's endorsement of the Grace case, really lie at the basis of the Dred Scott decision. The lawyer for the slave owner in the Megs case was Benjamin R. Curtis. It was the argument of Benjamin R. Curtis, that slavery was not immoral, that the Grace case had overruled the Sommerset case,[2] "that a citizen of Louisiana has a very different standing in our courts at this day from the standing of a Virginian in the Court of the King's Bench in 1772 just before the breaking out of the Revolutionary War," together with Justice Story's unqualified endorsement of the Grace case, that made the Megs case.

In 1850,[3] the Supreme Court of the United States — Justice Story still a member — affirmed the Court of Appeals of Kentucky in 1845,[4] in overruling the decision in the Lydia case and adopting the Megs case as a rule of property in Kentucky. The Mississippi court reversed itself. But

[1] Ames *vs.* Commonwealth 19 Pick 197.

[2] See Chapter II, page 36.

[3] Strader *vs.* Graham 10 Howard 82.

[4] Strader *vs.* Graham 5 B. Monroe 173.

in Louisiana it took an act of the legislature to adopt the Megs case as a rule of property.

A square decision of the Supreme Court of the United States upholding the Megs case would operate in the North as the Megs case had in New England. The Megs case had not only utterly confounded the conscience Whigs and the Free Soilers, but it had enabled Wendell Phillips to whip New England into a frenzy against "the Fugitive Slave bill lawyers and judges."

There is much to support the view asserted at the time, that it was the Abolitionists who conducted from the beginning to the end the litigation about the negro Dred Scott, especially after it got to the Federal courts. The final judgment of the Supreme Court of the United States, declaring Dred Scott to be Dr. F. A. Sanford's slave, was entered March 7, 1857. A few days later, Dr. Sanford executed and put on record a deed setting Scott free.

"Boston has become a suburb of Alexandria, Mason and Dixon's line has been shoved up to the Canadian border, and the time will come when the slave trader will exhibit his marts at the foot of Bunker Hill Monument," said Phillips. Of course he did not believe it, but as a lawyer he knew how to argue his case and incidentally "lay on the lash."

According to some accounts, Dred Scott was born a slave in Louisiana Territory before the purchase. By the treaty with Napoleon, the rights of the citizens of Louisiana to their property, which included slaves, were to be recognized and protected by the United States. Another account has it, he was brought to Missouri by his Virginia master. His owner, Dr. Emerson, a surgeon of the United States Army, removed him from Missouri to the United States military post at Rock Island, in the State of Illinois, and thence to the military post at Fort Snelling, now in the State of Minnesota, then a part of Upper Louisiana, and north of latitude 36° 30′. Section 8 of the Act of Congress

of 1820, known as the Missouri Compromise, prohibited slavery north of the line 36° 30′. At Fort Snelling, Dred Scott was permitted to marry Eliza, the slave of Major Talifero, and, to keep them together, Dr. Emerson purchased Eliza. Of this marriage two children were born,—Eliza, on board the steamboat *Gipsy* in the Mississippi River north of the Missouri line, and Lizzie, in the State of Missouri at the military post called Jefferson Barracks, where Dr. Emerson returned in 1838, bringing with him Dred Scott and the two Elizas.

Dr. Emerson died in Davenport, Iowa, in 1844, leaving his property in trust to his wife for his daughter, and naming Mrs. Emerson's brother Dr. F. A. Sanford, as executor. The will was probated in Iowa. Sanford refused to qualify as executor, and Mrs. Emerson was appointed administratrix.

In 1846 Mrs. Emerson returned to St. Louis. Meantime, Dred Scott had continued in St. Louis practically free, but it was said he was lazy and good for nothing, and would not work. Frank P. Blair, Jr., was a Free Soiler, then practicing law in St. Louis, and his brother, Montgomery Blair, was one of the judges of the Common Pleas Court of St. Louis County.

In December, 1846, Dred Scott and his wife began an action in the Circuit Court of St. Louis County against Irene Emerson, administratrix. His claim to freedom was based on Section 8 of the Missouri Compromise, and on the early decisions of the Supreme Court of Missouri, namely, that the taking by a master of his slave to free territory manumitted the slave, even though the slave voluntarily returned with the master to Missouri. Accordingly, the jury at the April, 1849, term, was instructed by the trial court to find for Scott. This they did, but the verdict was set aside and a new trial granted. On the second trial in January, 1850, before another judge, under peremptory instructions from the court, the jury returned another

verdict for Scott. This time judgment was entered on the verdict. On appeal, the Supreme Court of Missouri at the March term, 1852 (15 Mo. 516), reversed itself; that is, took back its early decision, followed the Massachusetts case and the late Kentucky case, and instructed the Circuit Court of St. Louis County to do what it promptly did—find Dred Scott was still a slave.

Under normal conditions, after the judgment of the Supreme Court of Missouri the litigation would have ended. In the Fall of 1850, Mrs. Emerson married Dr. Calvin C. Chaffee, a physician of Springfield, Massachusetts, an Abolitionist, and soon after a member of Congress from the Springfield district. After the decision of the Supreme Court of Missouri, Mrs. Chaffee sold Scott, his wife, and children to her brother Dr. F. A. Sanford, who had refused to qualify as executor of Dr. Emerson's estate, and who was then a citizen of New York.

In 1853, Scott, claiming to be a free man, brought his action of trespass against Sanford in the Circuit Court of the United States for the District of Missouri. The jurisdiction was predicated on the diverse citizenship, Scott of Missouri and Sanford of New York. Sanford pleaded that "Dred Scott is not a citizen of Missouri because he is a negro of African descent, whose ancestors were brought into this country and sold as slaves, and thus he cannot sue in the United States courts." That it was a made-up case is almost conclusive from the agreed statement of the case embodied in a written stipulation which was filed for the consideration of the court and jury. There was no need of a jury. All depended on the conclusions the court would draw from the agreed facts. After setting forth the facts as we have stated them, there was this stipulation, which as a matter of fact was not true, namely, that it was Dr. Emerson and not his widow, Irene Emerson Chaffee, who sold Scott, his wife, and children to Sanford. Under Dr. Emerson's will there was a question whether the widow,

Mrs. Chaffee, had the power to sell. The failure of some one to bring that question to the attention of the lower or upper Federal courts is conclusive that the same man or interest was running both sides of the lawsuit. There was a directed verdict and judgment for the defendant, and a writ of error to the Supreme Court of the United States.

The case was argued in the Supreme Court by Montgomery Blair, then off of the Missouri bench, and George T. Curtis, for Scott, while Reverdy Johnson of Maryland and Senator Guyer of Missouri appeared for Sanford. I afterwards knew Reverdy Johnson well. George T. Curtis was a brother of Justice Curtis, and this relationship should have kept him out of the case. If the Abolitionists hired Mr. Curtis—and it must have been they, for Dred Scott was without means to do so—it was a mean trick to embarrass his brother on the bench.

The court decided first, that a person of African descent whose parents had been brought into the United States and sold as slaves, could not be a citizen of the United States, and could not sue in the courts of the United States. Dissenting from this proposition, Justice Curtis said that, having decided it, there the courts should have stopped. Possibly they could have stopped at this point, and well, perhaps, it would have been had they done so and said to Congress and the people, "It is a political, not a judicial, question." But Congress, in the Compromise of 1850, although Senator John Bell of Tennessee had protested no court was strong enough to settle the controversy, had put the question of slavery in the territories up to the Supreme Court, and John Marshall had set the precedent of deciding every question presented in a lawsuit on the record or orally on the argument. The last question Chief Justice Marshall decided was that he did not have jurisdiction. It was thus in Marbury *vs.* Madison, "The first milestone of the Constitution," in which a great constitutional question was decided. It was then that Thomas Jefferson became

so enraged at the judicial power. After deciding that Jefferson as President had no right to withhold commissions President Adams had signed after his appointments had been confirmed by the Senate, Chief Justice Marshall decided the court was without jurisdiction, because, he said, the case, which was a petition for a mandamus commanding Secretary of State James Madison to deliver the commissions, should have been filed in a lower court and brought to the Supreme Court by appeal instead of being filed in the first instance in the office of the clerk of the Supreme Court. When it came to questions of Federal power, Taney never repudiated anything that Marshall said or did.

On one proposition, Associate Justice Curtis concurred with the Chief Justice, namely, that a slave at that time could neither be a citizen of the United States nor sue in the courts of the United States. Then as the majority pointed out, it had not been in the power of the Romans by manumission to elevate the former slave, no matter what the color of his skin, to citizenship in the republic. The creation of a citizen was a political and not a judicial power. Over Justice Curtis's dissent, the court held that breathing the free air, first of Illinois and then of the territory of Minnesota, did not make Dred Scott a free man when he voluntarily returned with his owner to Missouri. Section 8 of the Missouri Compromise, prohibiting slavery in the territory north of the line 36° 30′, was unconstitutional because it violated the treaty of the Louisiana purchase and because the Fifth Amendment of the Constitution of the United States protected the owner in his property; and as the Constitution recognized a slave as property, it was beyond the power of Congress to put a limitation on the right of the owner to take a slave to a territory of the United States.

Emphasizing this right of the owner to take his slave as any other property to a territory, but suggesting no power or means the government of the United States

possessed of protecting and preserving that property after the territory was reached, the decision gave color to Senator Douglas's claim of Squatter or Popular Sovereignty or home rule, by holding that while the United States could acquire territory, it expressly held such territory could only be acquired with the object in view of making that territory into States, holding it in the meantime not as Great Britain had held her American colonies, but in a way that would qualify them to become States. It was the British crown that in the first instance forced slavery on the colonists.

Much of the opinion might be exchanged for Wendell Phillips' argument in support of his proposition that the Constitution of the United States was a pro-slavery instrument. Amendment, as provided by the Constitution of the United States, Chief Justice Taney suggested, was the remedy for these harsh and unjust rules embodied in the Constitution of the United States, that, as Phillips said, grew out of "the belief that existed at the time the Constitution was adopted that the African was a mere chattel, so recognized by the laws of the nation, to be bought and sold, and had no rights the white man was bound to respect."[1]

Not only did the Chief Justice and several of his concurring brethren thus rub it into New England for her inconsistency, but there is also in the Chief Justice's opinion that trace of irony that the philosopher often reveals for the mere man of property.

Following his long dissenting opinion, after a bitter correspondence with Chief Justice Taney, Justice Curtis resigned September 1, 1857. For Justice Curtis the Abolitionists had only sneers, never a word of censure for Taney.

With Mr. Lincoln's approval, Congress had put the question of slavery in the territories up to the court, and while the court did the best it could, it did not attempt to make a complete and final exposition of the question.

[1]Abolitionist Hand Book.

Had Scott remained in the territory, a different question would have been presented.

If in 1858 Mr. Lincoln, instead of assailing and, as some say, inflicting a blow on the court from which it has never recovered, had taken as his text, "Amend these harsh and unjust rules," condemned as they are by the public opinion of the world —as the Dred Scott opinion all but avowed —and by all the early Southern jurists, he would have occupied a position of vantage from which to assail the immorality of the institution, a position that would not have admitted of their "going out" on him, or asserting that he was a revolutionist and secessionist. "The Illinois Black Laws" and the reactionary constitution of Indiana of 1850 tended to support Mr. Lincoln's conclusion, if he really believed it, that the nation was to become all Slave. On the other hand, there was much to support his suggestion that it would become all Free. In his younger days, when at the bar, Rodger B. Taney had defended the Maryland and Pennsylvania Quakers who operated the Underground Railroad between those States, and denounced slavery most bitterly. But if, as I have heard many men both North and South say, slavery had become so interwoven in the web and woof of our constitutional, social, and commercial life that nothing short of war could end it, then Mr. Lincoln must be accorded the credit for uttering the words that made the conflict of arms. The fight over, we still, as I have said before, had to amend; or as Walter Q. Gresham stated it, "The war legislated."[1] But what was not true of many another man, Mr. Lincoln grew in the midst of the strife. Had he lived, I believe, as is now generally believed, that we would have escaped many of the mistakes of reconstruction. In that policy he would have had a firm supporter in Walter Q. Gresham.

[1] See page 471.

CHAPTER VII

ELECTED TO INDIANA LEGISLATURE

GRESHAM A DELEGATE TO REPUBLICAN STATE CONVENTION—CONTEST BETWEEN LINCOLN AND DOUGLAS POLITICIANS—DIVISION OF DEMOCRATIC PARTY—CHARLESTON CONVENTION—DEBATE BETWEEN JEFFERSON DAVIS AND STEPHEN A. DOUGLAS—NOMINATION OF DOUGLAS AT BALTIMORE—NOMINATION OF ABRAHAM LINCOLN AT CHICAGO CONVENTION—GRESHAM REPUBLICAN NOMINEE FOR LEGISLATURE—DEFEATS HANCOCK—LINCOLN ELECTED AS PRESIDENT.

IN 1860 it was Kansas and Nebraska again, with secession threatened and plainly foreshadowed.

This year my husband was a delegate to the Indiana Republican State Convention that met February 22, and nominated Henry S. Lane for Governor as a representative of the old-line Whigs, and Oliver P. Morton, who had once been a Democrat, for lieutenant-governor, under an agreement that, in the event of success, Lane should become United States senator and Morton Governor. While the contest was on for first place, Mr. Morton claiming it as of right because he had been the party candidate for Governor in 1856, my husband was a supporter of Mr. Lane. This convention elected my husband's friend, Judge William T. Otto, one of the delegates to the Republican National Convention that had been called to meet in Chicago. Walter Q. Gresham favored the nomination of Salmon P. Chase. I have since frequently heard Judge Otto tell how Caleb B. Smith imposed on Judge David Davis and Joseph Medill when the latter during the convention was pledging everything in sight to insure Mr. Lincoln's nomination. "Mr. Smith," Judge Otto said, "made Judge Davis believe that

the Indiana delegation would go to Seward unless Smith was promised a place in the cabinet; when the truth was that none of us cared for Smith, and after we got to Chicago and looked over the ground all were for Lincoln." That the pledge was made I have heard from Judge Davis's own lips. That it was kept, everybody knows, for Caleb B. Smith became the first Secretary of the Interior in Mr. Lincoln's cabinet. When the time came for Walter Q. Gresham to make pledges as to membership in his cabinet should he be nominated and elected, he refused to do so.

My father and the Louisville *Courier,* the Secessionist organ, kept constantly before us the question of secession and what the pro-slavery people would do in the event of the election of Senator Douglas or an anti-slavery man. My father also brought us the views of the business men of Louisville, whose sympathies, possibly because of their trade being almost entirely with the South, were pro-slavery and Secessionist. As a matter of local pride, the business men of Louisville favored the nomination by the Democrats in 1860 of one of their number, James Guthrie, who in addition to his other public services had been Secretary of the Treasury under President Fillmore. But he was a Union man at heart and had only the nominal support of the *Courier.*

The Harneys were still for Senator Douglas. George D. Prentice, apparently without a candidate, had passed into the most dangerous of the two classes of disunionists that Henry Clay, in 1850, said threatened our country: "One is that which is open and undisguised in favor of separation. The other is that which, disavowing a desire for the dissolution of the Union, adopts a cause and contends for measures and principles which must inevitably lead to that calamitous result."

The Democratic party divided at Charleston, May 3, 1860. When the convention met April 23, although the Douglas people were in a majority, the adjustment of the

party machinery gave the pro-slavery element the control of the Convention, and in the committee on resolutions a majority of one. The differences were carried to the floor of the Convention, where the Douglas people, by a vote of 165 to 138, substituted theirs — or the minority report of the Committee on Resolutions — for that of the majority, as the party platform.

The pro-slavery people insisted on their theory that as slaves were recognized as property by the Federal constitution, and that as in the Dred Scott case it had been held a slave could be taken to a territory, therefore the legislative and executive branches of the Federal government should protect slavery in the territories.

But the Douglas people concluded — and the Dred Scott case did not preclude the inference, for Scott had voluntarily returned with his master from Minnesota Territory to Missouri — that in organizing a territory as an embryonic State and vesting it with legislative power, the legislature in representing the wishes of its constituents was absolute and supreme in the control of the police power.[1] It is a doctrine supplemented by acts of Congress that is to-day giving the Prohibitionists bone-dry territory. But as it was then patent that without the aid of an efficient police force there could be no such thing as the actual enjoyment of slave property in a territory, the Douglas platform ended with this proviso, that inasmuch as differences of opinion had arisen as to the nature and extent of the powers and duties of the Congress of the United States and the territorial governments under the Constitution, over the institution of slavery within the territories, they would abide by the decisions of the Supreme Court of the United States on these questions.

Immediately upon the adoption of the Douglas platform, the delegates of Alabama, led by William L. Yancey — who had argued on the floor of the convention that "Squatter Sovereignty" was unconstitutional — all left the

[1] See pages 21 and 22; also page 471. The war did not destroy the States.

convention, followed by the delegates from Mississippi, Louisiana, South Carolina, Florida, Texas, and Arkansas, to be followed the next day by the delegates from Georgia. President Buchanan and his officeholders were for anything "to beat" Douglas. There went with the seceders, Senator James A. Bayard, one of the delegates from Delaware, and William L. Whitney, then Collector of the Port of Boston and a delegate from Massachusetts. He was the father of William C. Whitney, afterwards Secretary of the Navy in Grover Cleveland's first cabinet, and one of the most influential men in the second Cleveland administration, although not an official member of it, and an influential man in the Democratic Convention of 1896 at Chicago. The elder Whitney's experience at this time may have made the son conservative or timid. In 1896, William C. Whitney as the sound money leader and his sound money followers sat mute instead of bolting, as they subsequently did at the nomination of William Jennings Bryan.

The seceders, after organizing as a convention and listening to many fiery speeches, adjourned, without adopting a platform or making a nomination, to meet in Richmond, Virginia, in June.

Though the membership was thus reduced, still Senator Douglas could not be nominated. Some of the seceders remained and insisted that the two-thirds rule was still in force and that it meant two-thirds of 303, the original roll of the Convention, and it was so ordered by a vote of 141 to 112, and then there was an adjournment, June 18.

June 2 the Douglas people nominated Stephen A. Douglas for President and Hurschell B. Johnson of Georgia for Vice-President. Seven days later the seceders nominated John C. Breckenridge of Kentucky for President and Joseph Law of Oregon for Vice-President. In the interim the Republican and Union National Conventions met, and there was a great debate between Jefferson Davis and Stephen A. Douglas in the Senate of the United States.

March 1, 1860, Senator Jefferson Davis, with a view to anticipating the action of the Charleston Convention, had introduced a series of resolutions in the Senate of the United States setting forth the pro-slavery platform. But not until May 8 did he begin the discussion, in a speech that ran for several days, with interruptions. He attacked Senator Douglas and Squatter Sovereignty in the Charleston platform; still he wanted to harmonize the conflicting elements and intimated that the seceders should be readmitted at Baltimore. In the senatorial caucus that followed, all but two of the Democratic senators — Senator Douglas being absent — sided with Senator Davis and declared for his resolutions. May 15 and 16 Senator Douglas replied.

On his side he quoted every Democrat living and dead except John C. Calhoun. Alone with Calhoun he classed the Senator from Mississippi. He said: "*Secession is treason and treason means war.* It is the plan of the seceders to break up the Union." In support of this assertion he read W. L. Yancey's letter of June 15, 1858, in which he proposed to break up the Union and form a Confederacy of the Cotton States. Then said Senator Douglas: "The seceders would not at first take in the border states[1] . . . They would be left in the Union to make a shield against the Abolitionist and as a protection to the new Cotton Confederacy . . . . Not very flattering to my Virginia friends. And what will Kentucky do, with the Canadian line moved down to her borders, with no legal or moral obligation on the Abolitionists to return her runaway slaves?" He then paid a glowing tribute to the patriotism of Daniel Webster and Henry Clay, and warned Senator Davis that if he was attacked again he would reply; otherwise he would remain silent.

The thought that held Kentucky in line when the test came was, What will be the effect on the Kentucky slaveholder in the event of the dissolution of the Union? Senator Douglas is entitled to the credit for first advancing

[1] See pages 124, 128, 130 and 131.

it. My husband adopted it instanter and as a Republican used it with telling effect in helping hold Kentucky in the Union. The women could see the point. Carrie Taylor Harney said, "Those fools in the Cotton States will lose us our niggers."

In his "Lost Cause," Mr. Davis says little about this debate with Senator Douglas. It seems to have escaped the historians of the time, but it is most important because, aside from other considerations, it made every Douglas man a Union man, as was evidently Douglas's purpose.

During that Davis-Douglas debate, the Louisville *Democrat* said: "The seceders want to get back to the Baltimore Convention when it assembles, but we are opposed to admitting them. We are well rid of them. Those who applauded them climbing high will ridicule them coming down."

Prentice argued in his paper that if it was lawful—and he said it was—for a territorial legislature, by nonaction, to deny protection to a slaveholder, then Congress should legislate directly to protect the slaveholder. "Congress cannot force the territorial legislature to act, therefore Congress must control the Squatters. It is wrong and immoral for Congress not to do so. No territorial legislature will make laws to protect slavery; Congress must make them. . . . If the legislature be unfriendly to slavery, then the Federal government must interfere and nullify such legislation."

Harney answered: "This effort to render slavery so far national as to put any phase of it at the discretion of Congress is a work of political insanity in the South.

"For our own part we wash our hands of this sectional movement. The Northern democracy have granted all we have a right to ask. They held back the Federal government, after a desperate struggle, from saying that the people of a territory should not have slavery if they wanted it. They will not say to the people of a territory, 'You shall

have slavery, however much you are opposed to it,' which is the whole substance of the majorities' resolutions. They ought not to say it and we ought not to ask them to say it."

And as conclusive statement against the wisdom of secession, Major Harney said: "Kansas flaunts her anti-slavery code in your face and you cannot change it. Congress cannot change it, the President cannot change it. . . . New Mexico adopts her slave code and our Black Republicans won't dare to repeal it."

Only on one occasion was there anything like bitterness in any of Mr. Gresham's discussions with my father, and that was when, in reply to an assertion of my father that the Republicans were inclined to be proscriptive of the foreign-born citizens, my husband said: "Most of the foreign-born citizens on arrival in this country join the party that is dominated by the slave power and is opposed to the rule of the people in the territories. If an Irishman or German cannot support the Republican policy with reference to the territories he certainly ought to support Senator Douglas. He is only insisting on what your father was driven out of Ireland for, demanding that the Irishman rule in Ireland. The Virginians are now justifying the existence of slavery in Virginia because they say the British government, against the wishes of the early colonists, foisted slavery and the slave trade upon them. What possible justification, then, can there now be for the Virginians and Kentuckians to insist that all the power of the Federal government shall be wielded in Kansas to make that territory a Slave State against the wishes of the settlers there?"

While in Mr. Arthur's cabinet in 1883, in a discussion between my husband and Mr. Blaine about Stephen A. Douglas and his debates with Jefferson Davis in 1860, Mr. Blaine said Douglas was the best debater America ever produced, but he had no wit. Speaking about Delaware at Charleston, Senator Douglas said: "Little Delaware is

too small to divide, so Senator Bayard will come back." Not bad for a man devoid of wit!

Mr. Gresham said what Mr. Blaine did not like: "We all soon came to Douglas's position on 'Squatter Sovereignty.' Other men may have been the orators and the statesmen of the Union cause, but Douglas was its lawyer. From a constitutional and legal standpoint he justified the use of force to maintain the Union."

I have visited many Union as well as Confederate soldiers' homes. To me they all are saddening. The number of suicides among the veterans — the truth of which the authorities suppressed — was frightful. After talking themselves out on the war, there is nothing to do but await the grim reaper. See that old fellow sitting alone glum and morose. Never was there a more pitiful object. Soon he anticipates Nature. One of the saddest of all places was Beauvoir, Jefferson Davis's last home, now a Confederate Mississippi Soldiers' Home. Nowhere was I ever more kindly treated and nowhere did my heart more go out in sympathy for the bronzed and grizzled veteran who fought so gallantly under such able leadership in the field. They all talked as though they knew my husband and they all remembered Douglas. One said to me, after I had remarked that war is a crime against civilization, "But Douglas took away our Constitution." "Yes," I replied, "and he said it was his Constitution." "But look how we suffered," he answered. "And think how I suffered," I said. "For over a year I had a wounded husband in bed. Think of the anxious days and the sleepless nights of the women, while you fellows were having a good time, and then tell me if you men should go to war over a constitutional question. A few speeches were made, drums were beat, and you were in line. And which side you were on, most of you say, whether 'Yank' or 'Reb,' all depended on which side of the Mason and Dixon line you were born." Not a sufficient reason at all for fighting but a most conclusive reason for getting together.

Mississippi's prohibition in 1832 on the further importation of slaves at least gives color to the statement of Jefferson Davis that he went out for a theory of government and not a principle of morals, and supports my conclusion that different management might have ended slavery without bloodshed.[1] Indeed, after the five presidential tickets were in the field in 1860, Mr. Davis says he sought out Senator Douglas, and saying he was authorized to speak for Bell and Everett, as well as his own people, proposed an accommodation. But Douglas was implacable, and the "Black Republicans" in less than a year, as we have before remarked, adopted his Squatter Sovereignty. Of all the men of his time, Douglas alone was consistent from start to finish.

Involved in Douglas's theory of government was the destruction of slavery. My Irish compatriot, the Confederate General Patrick R. Cleburne, saw it. The preservation of the Union, "Pat" said, meant the destruction of slavery. That was the theory of Dennis Pennington, of Henry Clay, and of Walter Q. Gresham. "Let us beat them to it," argued General Cleburne to President Davis, "put the negro with him in our ranks, and with him fighting for his beloved South and his home, we will gain our independence." Read the letter of Robert Dale Owen to Secretary Chase of November 10, 1862, in which Mr. Owen urged on the National Government that if the negro remained loyal to the Confederacy the South would gain her independence.[2] When too late the Confederate chieftain adopted the Irishman's advice.

The Union party, on May 19, at Baltimore, nominated John Bell of Tennessee for President and Edward Everett of Massachusetts for Vice-President, on a very brief platform, which simply declared that it recognized no political principles other than the Constitution of the country, the union of States, and the enforcement of laws.

[1] See page 254. [2] See page 200; also page 464.

George D. Prentice, whose extreme pro-slavery views in the Louisville *Journal* tended to impeach the good faith of the Bell and Everett movement, supported it with extraordinary sagacity. Although Breckenridge was then Vice-President and senator-elect from Kentucky, Prentice, with the support of patriots like John J. Crittenden, whose all was sacrificed, swung Kentucky to Bell and Everett. Breckenridge was attacked for having, as late as 1859, supported the Douglas doctrine of non-intervention in the territories, while "John Bell has always been against it." To catch the Democrats, Prentice told how John Bell had been reared in Andrew Jackson's school, and to get the Whigs he said that in 1850 Henry Clay had recommended Bell for a place in Fillmore's cabinet.

While Senator Douglas was answering Jefferson Davis, the Republican party, May 16, at Chicago, was nominating Abraham Lincoln for President and Hannibal Hamlin of Maine for Vice-President.

The Republican platform deprecated the centralization tendencies of the Buchanan administration and of the pro-slavery party; denied the right of secession and demanded the immediate admission of Kansas as a Free State under the free constitution which the people of Kansas had adopted. While it disclaimed any intention to attempt to interfere with the domestic institutions of the States, it claimed all the territory of the United States should be free, and said the Declaration of Independence should be adhered to as a means of interpreting the Constitution of the United States, and especially that clause of the Fifth Amendment, namely, "that no person shall be deprived of life, liberty, or property without due process of the law." It was under this identical clause of the Fifth Amendment that the slaveholder claimed protection for his property.

Lincoln argued that the word "slave" was not used in the Federal Constitution to exclude the idea that there could be property in man, but Wendell Phillips told the slaveholder

that while the word "slave" was not in the Constitution there were other words that meant exactly the same thing.

In July, 1860, Walter Q. Gresham was nominated by the Republicans as their candidate in Harrison County for the lower branch of the legislature. His opponent, William Hancock, was a man of character and ability. They had joint discussions all over the county. All the legal, constitutional, and moral questions involved in the slavery question were discussed in every schoolhouse in the county. All the Davises, most of whom were Democrats, voted for him. They liked his morals and were satisfied with his pledges to support the Constitution and laws, a pledge made by every Republican speaker that year, but unfortunately there was doubt in the minds of many of the pro-slavery people as to the sincerity of these pledges.

Many of the old-line Democrats from Virginia and Kentucky voted for my husband. A young Virginian, William N. Tracewell, afterwards an able and prominent lawyer, who remained a Democrat to his dying day, not only voted for him but was active in his interest. Gresham defeated Hancock by sixty votes, the vote being Gresham 1,797, Hancock 1,737. For Lane and Morton for governor and lieutenant-governor, there were 1,691 votes; for Hendricks and Turpie, the Democratic candidates, 1,876. In the November election for presidential electors, the vote in Harrison County for Douglas and Johnson was 1,848; for Lincoln and Hamlin, 1,593; for Breckenridge and Lane, 36; for Bell and Everett, 17. In the nation, of the popular vote, Mr. Lincoln received 1,865,913; Mr. Douglas, 1,374,664; Mr. Breckenridge, 848,404; Mr. Bell, 591,900.

CHAPTER VIII

UNION SPEECHES IN KENTUCKY

SECESSION — GRESHAM MAKES UNION SPEECHES IN KENTUCKY — RESOLUTIONS DEPRECATING SECESSION OF SOUTH CAROLINA — HENRY CLAY'S SPEECH IN DEBATE ON THE COMPROMISE OF 1850 — USED BY GRESHAM — CRITTENDEN'S RESOLUTIONS IN SENATE FOR AMENDMENT OF CONSTITUTION TO SETTLE CONTROVERSY BETWEEN NORTH AND SOUTH — GEORGE D. PRENTICE'S POSITION AND VIEWS AS EXPRESSED IN NEWSPAPER EDITORIALS — KENTUCKY ADOPTS NEUTRALITY AND STAYS IN UNION.

FOLLOWING the election, the excitement which had preceded it increased. When it became known that Mr. Lincoln was elected, the Federal officeholders in South Carolina resigned, her senators withdrew from Washington, and her legislature assembled and issued a call for a convention to meet at Columbia on the 18th of December.

On the 16th of November, Governor Magoffin, who was an out-and-out Secessionist, in a letter to the editor of the Frankfort *Yeoman*, asked, "What will Kentucky do, and what ought she to do, now that Lincoln is elected President?" "Secede," my father and the Secessionists promptly answered.

The great question at once was, What would the Border States — Missouri, Virginia, Maryland, and Kentucky — do? And most important of all, because it would be most problematical, what would be the action of Kentucky? Douglas men were for the Union; most of the Breckenridge men were Secessionists. Kentucky's strategic position in the event of war was of great importance. Without her, the Confederacy could not succeed.

Had Kentucky gone out solid it might have turned the tide. Not that Kentucky alone would have been such a predominating influence, although it would have been a very great one, but such action would have affected a large number of men in three other States. The 80,000 gallant soldiers Kentucky furnished to the armies of the Union, and they did not enlist, as we will presently show, until pledges were made by the National government that their slave property would be respected, added at the start to the 80,000 Kentuckians who entered the Confederate Army, would have carried with them a large part of the men of southern Indiana, Ohio, and Illinois. Ridiculous as it may be, the board of commissioners of one of the southern Illinois counties passed an ordinance of secession. And it was a long time before John A. Logan cast his lot with the Union. Early in November, 1860, at a Union meeting at Rockport, Spencer County, Indiana—and there were many such throughout southern Indiana—the Secessionists took possession of the meeting and passed a resolution that if the Union must be dissolved, which they hoped would not happen, they wanted the dividing line north of the Ohio River.

On the 17th of November, T. B. Farleigh and W. L. Coale, of the Brandenburg bar, submitted to the people of Meade and the adjoining counties a series of resolutions that were to be considered at a general public meeting to be held in the Meade County Court House in Brandenburg on the first Monday in the following December. They invited Judge Porter, Mr. Slaughter, and my husband to attend this meeting. "Tom" Farleigh, as he was called, was then as ever afterwards a devoted friend of my husband. After hostilities actually began he went into the Union Army as colonel of one of the Kentucky cavalry regiments.

These resolutions deprecated the proposed action of South Carolina; asserted that no right to secede existed

under the Federal constitution, but recognized the right of revolution as a legal right inhering in society; asserted a purpose to support the Union and that allegiance was to the whole Union and not to any party or section; declared that that was the position of Kentucky and the other Border States, which were exposed to perils that did not beset the Cotton States. "To our brethren of the North," the resolutions continued, "we would say the same, and more especially will we say, since several of their States have practically and substantially nullified the Fugitive Slave Law by State legislation, that we regard this action on their part as subversive of the Constitution, and we urge the repeal of all State legislation in derogation of the Fugitive Slave Law and a proper enforcement thereof."

There was a large attendance from Meade County and good delegations from Hardin and Breckenridge counties. Olie C. Richardson, the man who helped settle the Brandenburg affair, a large slaveholder, presided. My husband was put forward as the speaker from the north side of the Ohio River, because he was a Republican and a member-elect of the Indiana legislature. He liked to lead and never feared responsibility.

The resolutions made it plain that the words and the teachings of Henry Clay had not been forgotten.

They recalled the words of Mr. Clay in his reply to Senator Barnwell, Calhoun's colleague, in the debate on the Compromise of 1850, which Mr. Gresham quoted:

> The Honorable Senator speaks of Virginia being "my country." The Union is my country; the thirty States are my country. She has created on my part obligations and feelings and duties toward her in my private character which nothing upon earth would induce me to forget or violate. But even if it were my own State,—if my own State lawlessly, contrary to her duty, should raise the standard of disunion against the residue of the Union—I would go against her. I would go against Kentucky in that contingency, much as I love her.

Nor am I to be alarmed or dissuaded from any such course by intimations of spilling of blood. If blood be spilt, by whose fault is it to be spilt? It will be the fault of those who raise the standard of disunion and endeavor to prostrate this government; and, sir, when this is done, so long as it pleases God to give me voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country for the support of the general authority, and for the maintenance of the powers of this Union.

Mr. President, I said nothing with respect to the character of Mr. Rhett. I know him personally, and have some respect for him. But if he pronounced the sentiment attributed to him of raising the standard of disunion and resisting the common government, whatever he has been, if he follows up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor.[1]

After quoting Clay's words above, Mr. Gresham spoke as follows:

The colony of Virginia, to her honor, had protested to the British king against sending slaves to her shores. She was the first State to abolish the slave trade. She had protested against the action of South Carolina and Massachusetts in engrafting into the national Constitution the twenty-year limit on the power of Congress to abolish the African slave-trade. Can she now sustain an administration that is proposing to fasten on the settlers of Kansas a system they do not want? If she does, her noble sons and their descendants who, with Thomas Jefferson as their guide, have made the great northwestern States what they are, will not follow her lead. Henry Clay had gone to death believing he had dedicated Kansas and Nebraska to freedom.

But however this may all be, what will be the position of the Kentucky slaveholder with the Canadian border moved down to the Ohio River and every man on its north bank an Abolitionist? What aid then would South Carolina be to Kentucky? Better should she continue in peace and amity with her northern neighbors, many of whose citizens were, as I am, bound to her by ties of consanguinity as well as interest and friendship.

[1] See page 130.

Myself, my associates, and my party are pledged not to attempt to interfere with slavery in any of the States.

The rights of the individual States will be sacredly respected. The Personal Liberty Laws of the Free States are all wrong and should be repealed. Indiana has none such on her statute books; and I believe I am safe in making the pledge that Indiana never will pass such laws—certainly not the legislature of that State, soon to assemble, of which I am a Republican member-elect.[1]

Mr. Gresham continued in a similar strain, pledging himself and his associates to support in good faith the provisions of the Constitution and Fugitive Slave Law, "however harsh some of its provisions seem to me." "But secession," he said, "is no remedy for any evil. The Union dismembered, all will be lost. Within the Union all differences can be settled, all rights adjusted."

Captain Phillips said that this speech delighted the Kentuckians, and it was quoted far and wide as a sample of what the Republicans meant to do.

During November and December, 1860, these Union meetings were held all over Kentucky, and they were most fortunate and effective, for they prevented the slaveholder from being carried off his feet. They broke the Secessionist wave.

December 18, 1860, Senator John J. Crittenden of Kentucky introduced a series of resolutions in the United States Senate looking to the amendment of the Constitution for the purpose, as his resolutions recited, of settling the controversy which had arisen between the Northern and Southern sections "of our once-united and happy country."

Notwithstanding the presentation of Senator Crittenden's resolutions to the Congress of the United States, and the resolutions of many of her sister States to await a conference of the Slave States, two days later the South Carolina convention repealed the act ratifying the Constitution of the United States and passed an ordinance of secession; and in an address issued to the Cotton States gave as the

[1] See pages 130 and 131.

principal reason for her action Mr. Lincoln's "House Divided against Itself" speech, asserting that the States must become "either all slave or all free."

Acting under the general welfare clause, if African slavery in the Southern States be the evil their political combinations affirm it to be, the requisites of an inexorable logic must lead them to emancipation. If it is right to preclude or abolish slavery in a territory, why should it be allowed to remain in the States? According to the Supreme Court of the United States, it is no more unconstitutional in the territories than in the States.

Then this complaint was made of the Personal Liberty laws and the Abolitionists:

We affirm that these ends which the government has instituted have been defeated and the government itself has been made destructive by them by the action of the non-slaveholding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions, and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace and purloin the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remained have been incited by emissaries, books, and pictures to servile insurrection.

Possibly if Lincoln had not made his "House Divided against Itself," speech, South Carolina would have found some other pretext to line him up with the Abolitionists.

In a large measure a dead letter, except to arouse the pro-slavery people, the Personal Liberty Laws should have been repealed in every State. In his farewell address, January 20, 1861, in many respects admirable in tone, Jefferson Davis adverted to the Personal Liberty Laws of Massachusetts as a reason for following Mississippi. As a means of helping to hold the Border States Mr. Lincoln enforced

the Fugitive Slave Law the first few months of his administration more effectively than his predecessor, James Buchanan, had done.[1]

But, in the meantime, the action of South Carolina in actually seceding, so far as a State could do so, and her address to the Slave States, infused new hope and life into the Kentucky Secessionists. December 27 Governor Magoffin issued a call for the Kentucky legislature to meet in special session January 17, 1861.

What would be George D. Prentice's final position? This was the subject of the gravest concern to the Union leaders without as well as within Kentucky. Of Lincoln's election Prentice had said in his paper: "We have prayed fervently against the event and now we most sincerely deplore it." Mr. Prentice, as we have shown, had overshadowed all other forces in casting the electoral vote of Kentucky for Bell and Everett, although John C. Breckenridge, the pro-slavery candidate, was a native of Kentucky and then a senator-elect from that State. The Bell and Everett vote was 66,016; the Breckenridge vote 52,836; Douglas 25,644, and Lincoln 1,366. But all this time Prentice's heart was with South Carolina, and in advancing the Bell and Everett ticket he had gone beyond even the South Carolinians in advocating the claims of the slaveholder. He was not a mere scribbler but "was equally forcible with knife and pistol as with pen." Had he then run up the Confederate flag, as he afterwards prepared to do, many of Kentucky's young men who subsequently enlisted in the Union Army would have gone into the Confederacy, and most likely Kentucky herself would have "gone out." Prentice's son was one of the first to take up arms for the Confederacy. But Prentice's partners were Union men. And most fortunate was it that he was induced to take a waiting or neutral position.

On his way to Indianapolis to attend the legislature, Walter Q. Gresham went to see Mr. Prentice, as he himself

[1] See page 139.

said, to assure Prentice that Indiana would, under the control of the Republicans, faithfully obey all her constitutional obligations to her Kentucky sister. On the 7th of January, 1861, my husband wrote me from Indianapolis: "I was with Mr. Prentice a few hours yesterday evening at Louisville. He talks all right; says he believes Mr. Lincoln is an honest, good man, wise and conservative."

In an editorial in the Louisville *Journal* the next morning, Mr. Prentice said: "South Carolina, without consideration, has jumped out of the Union; let Kentucky consider well where she would land before she jumps. . . . South Carolina is in a different position than Kentucky. She has no neighbors, as Kentucky has, unfriendly to her domestic institutions, who would be free from all moral and legal obligations to return her runaway slaves after she, Kentucky, went out of the Union."[1]

When the Kentucky legislature met on the 17th of January, instead of calling a convention as the Governor desired, it adopted neutrality as the policy of the State, and adjourned within thirty days with an appeal "to the southern brother to stay the hand of secession," but it protested against the general government using force to coerce the seceding States.

Equivocal as these resolutions were, they left Kentucky in the Union.

[1] See page 114.

CHAPTER IX

INDIANA PREPARES FOR WAR

FIRST SESSION OF INDIANA LEGISLATURE—RESOLUTIONS ON THE STATE AND THE UNION—GRESHAM REPRESENTS THE "TRAITOR" HEFFRON IN KENTUCKY COURTS—PEACE CONFERENCE—WENDELL PHILLIPS'S SPEECH—ABOLITIONISTS WOULD NOT COMPROMISE—GRESHAM CHAIRMAN MILITARY COMMITTEE OF THE HOUSE, AND COLONEL ON GOVERNOR'S STAFF—CRITTENDEN RESOLUTIONS—GRESHAM'S BREACH WITH GOVERNOR MORTON—SPECIAL SESSION OF INDIANA LEGISLATURE—GRESHAM PUTS THROUGH BILL VESTING APPOINTMENT OF FIELD AND LINE OFFICERS OF REGIMENTS IN HANDS OF GOVERNOR.

WHEN the Indiana legislature assembled on the 10th of January, Horace Heffron, the Democratic member from Harrison and Washington counties, who was the Democratic caucus candidate for speaker, attempted, as the House organized, to have it adopt a resolution that no man should be elected speaker, or to any other office under the legislature, who was not in favor of amending the Constitution of the United States on the line of the Crittenden Resolutions.

The great work of that legislature was to place Indiana right on the question of secession, and so to amend or revise the military law of the State as to enable it properly to support the National government. A large number of the members of both the House and Senate introduced resolutions on "the State and the Union." As a sample of what they were, I offer the following, which Walter Q. Gresham introduced the second day of the session, the

day before Henry S. Lane was inaugurated Governor of Indiana and Oliver P. Morton Lieutenant-Governor. In a few days Mr. Lane was elected to the United States Senate and Mr. Morton became Governor. A copy of the resolutions, together with the speech in their support, was sent to George D. Prentice. Both Lane and Morton regarded Prentice's attitude as of the greatest importance and were much interested in the conference Walter Q. Gresham had had with him only six days before. The resolutions read:

Resolved: That the people of this State still retain their affection for the Union inherited from the generation of men who achieved our liberties in the great struggle for independence, and secured them in that sacred instrument, the Constitution, in which justice is established, domestic tranquillity is insured, and the common defense and general welfare are provided for; and they regard its perpetuation as the only safe guaranty for the continuance of the wonderful prosperity and happiness which have led us to our present high position amongst the great powers of the earth; and they deny the right of any member of this confederacy to repudiate the Constitution made by all the people of the States, by seceding from the Union, and thereby disturbing the harmony and periling the happiness of the whole.

2. That while we will not deny to any State a right guaranteed by the Constitution, we insist that the authority of the general government shall be maintained and the Constitutional laws of Congress impartially enforced in all the States and Territories; *and that the armed resistance to the execution thereof, on the part of the citizens of any State, is treason.*

3. That the people of Indiana are opposed to any interference by the Government of people of our State with the domestic institutions of another; that they ever have and always will maintain the same respect for the rights of other States which they zealously exact for their own; that they will scrupulously discharge all their constitutional obligations toward sister States, and they demand a like observance of the same from the other States of the Union.

4. That if any State of this Union has enactments on its statute books in conflict with the provisions of the Federal Constitution, or any of the laws of Congress passed in pursuance thereof, it is the duty of such State to repeal the same.

5. That it is the duty of the Federal government, and of the several States, to secure to the citizens of each State all the privileges and immunities of the citizens of the several States as guaranteed in the Constitution, and a failure to discharge this obligation will destroy that harmony and paternal feeling which lie at the foundation of our free institutions.

6. That the conduct of these patriotic men, who in the midst of the tide of disunion which is sweeping over a portion of our once happy country, still retain their affection for the Union and are bravely battling for the preservation of the authority of the general government, excites our earnest sympathies and challenges our admiration.

7. That in view of the fact that a portion of the citizens of some of the States of the Union are in open, armed rebellion against the power and authority and threaten the overthrow of the general government, we hereby pledge, whenever necessary and demanded, in strict subordination to the civil authority, for the maintenance of the Constitution and laws of the general government, the entire power and resources of the State of Indiana.

These resolutions, with all others, went to the Committee on Federal Relations. They emerged as a report which omitted the word "treason." Men who claimed that the Personal Liberty Laws were right were afraid to use the word "treason." Walter Q. Gresham had used that word south of the river; he could use it north of the river. These resolutions as finally adopted pledged all the power of the State of Indiana to preserve the only government on earth wherein the rights of man constituted the foundation of its laws and the measure of its civil authority, and they deprecated any purpose to interfere with the right of each State to regulate its own domestic affairs.

The minority report proposed the Crittenden Resolutions instead, as a basis for settling the difference between the North and South. It also deprecated the use of force to coerce the Secessionists back into the Union.

While these reports were pending under debate, on the 19th of January the legislature of Virginia, by telegraph, issued an invitation to all the States to send delegates to a conference to meet in the city of Washington on February 4, 1861, to discuss the proposed amendments to the Constitution that might settle the differences which then existed on the slavery question. It suggested the Crittenden Resolutions as a basis of settlement, with Crittenden's first proposition so changed as to provide that slavery should be recognized not only in the present but in all future acquired territory south of the line 36° 30′. The discussion of the resolutions — they were discussed throughout the country and in every State legislature that met that winter — largely contributed to postpone the actual conflict until after Mr. Lincoln's inauguration. In 1858 Davis had told the Mississippians that if it came to a finish fight, the South could not win.

The Crittenden Resolutions were to be the Thirteenth Amendment to the Constitution, and, if adopted, never to be changed. They proposed: To renew the Missouri Compromise line 36° 30′; prohibit slavery north and permit it south of that line; admit new States with or without slavery, as their constitutions might provide; prohibit Congress from abolishing slavery in the States, and in the District of Columbia so long as it existed in Virginia or Maryland; permit free transmission of slaves by land or water in any State; make the State and the county or municipality responsible to the owner of the fugitive slaves rescued after arrest, with the right to the State or municipality to recover from the rescuing parties; repeal the inequality of commissioners' fees in the Fugitive Slave Act; and ask the repeal of the Personal Liberty Laws of the Northern

States, passed in derogation of the Fugitive Slave Act.

In the course of the debate in the Indiana legislature, Horace Heffron and G. O. Moody got into a controversy that led to Heffron sending Moody a challenge. Their seconds settled their differences, greatly to their satisfaction, it was said, after they reached the field of honor. But strange as it may seem, and as it was thought at the time, seconds as well as principals were indicted by the Kenton County Grand Jury for coming into Kentucky to fight a duel. And thus it was that Walter Q. Gresham never met Abraham Lincoln. For while Mr. Lincoln, on his way to Washington to be inaugurated, was in Indianapolis stopping at the Bates House, where my husband lived, the latter was in the Kentucky courts representing the "traitor," Horace Heffron. He not only got Heffron off but all the others.

As the result of the debate, the minority or Heffron report was rejected and the majority report adopted. The proposition of John H. Stotsenburgh of Floyd County to have a special election as to whether Indiana would accept the Crittenden Amendment as a basis of compromise was voted down, and then Indiana, most of the Democrats concurring, responded to the invitation of Virginia by authorizing Governor Morton to appoint five delegates to the Peace Conference.

Governor Morton appointed as one of the delegates Thomas C. Slaughter, my husband's former partner and his best friend. Mr. Gresham told Mr. Slaughter that it was agreed at Indianapolis that the delegates from Indiana to the Peace Conference should oppose the first provision of the Crittenden Resolution; that is, the one recognizing slavery south of the line 36° 30′ as a basis for adjustment; instead they should offer popular sovereignty south of that line, and any pledge the pro-slavery people desired that the anti-slavery people would live up to the Constitution as the fathers had written it. "For one," my husband said, "and I know the sentiment of the young men, we will

never consent to a Thirteenth or any other amendment to the Constitution, giving the slaveholder a stronger claim than he has now. Rather than that, we will fight. The fathers expected slavery to be abolished long before this. You are enough of a diplomat to avoid saying what will irritate." The record of that Peace Conference shows how Mr. Slaughter performed his duty.

The Peace Conference met February 4 and was in session until the 28th. It was composed of many eminent men. Ex-President Tyler of Virginia was one of its members and was made its presiding officer. James Guthrie was one of the Kentucky delegates.

In lieu of Mr. Crittenden's proposition, that all the territory south of the line 36° 30′ should be recognized as slave territory, the Conference adopted popular sovereignty for that territory, but with conditions which the pro-slavery men said simply gave them the right to have a lawsuit after they took their slaves into the territory south of the 36° 30′ line. Still a majority of the pro-slavery men accepted or "swallowed" the report, and Kentucky, led by James Guthrie, favored peace on any terms. Senator Crittenden, who was patriotic to the core, said he would favor it or any other proposition that could be agreed on for the purpose of saving the Union.

At this time there might have been an adjustment but for the Abolitionists.

The "Grape Vine" from Montgomery was bringing the news that Jefferson Davis did not want the issue to go to war. At this time he could not sleep at night, so his wife tells us. His farewell address in the Senate of the United States, tinctured with sadness, did not preclude his return, and in his inaugural address to the Provisional Congress of the Confederate States of America, he deprecated war, and held out the hand of reconciliation. As before mentioned, when the test came, Jefferson Davis would not, or at least did not, order Beauregard to fire the shot at the flag at

Sumter that precluded the possibility of a peaceable settlement. The overtures of the president of the Provisional Congress of the Confederate States of America were answered by Mr. Seward and Mr. Lincoln by the proposition to amend the Constitution of the United States so as to provide that slavery should never be disturbed in the States where it existed except by unanimous consent. Before this the announcement had gone forth that Seward would be Secretary of State.

Then it was, on February 17, 1861, that Wendell Phillips spoke:

> Seward will swear to obey the Constitution of the United States, but will not keep his oath.
>
> Bankrupt South Carolina, with 100,000 more slaves than whites within her borders, throws down her gauntlet at the feet of 25,000,000 people in defense of an idea which she thinks is right. I would that New England had one State among her six so brave.
>
> Union or no Union, Constitution or no Constitution, freedom for every man between the oceans and from the frozen pole to the hot gulf. You may as well attempt to dam up the Niagara with bullrushes as try to bind our anti-slavery purpose with a congressional compromise. The South knows it.
>
> But let the world distinctly understand why the slaveholding States leave the Union—to save slavery! and why we rejoice at their departure—because we know their declaration of independence is the jubilee of the slave.
>
> Thirty years devoted to earnest use of moral means show how sincere is our wish that this question should have a peaceful solution. If your idols—your Websters, Clays, Calhouns, Sewards, Adamses—had done their duty, so it would have been. Not ours the guilt of this storm, or of the future, however bloody. But I hesitate not to say that I prefer an insurrection which frees the slaves in ten years to slavery for a century. A slave I pity. A rebellious slave I respect.

Inciting the slaves to insurrection was a scheme from which I have shown my husband revolted in horror.

At this time Mr. Gresham told Senator-elect Lane and Governor Morton that he would not fight in a servile or domestic war. "Rather than that," he wrote me from Indianapolis at that time, "the sooner the North and South have a peaceable separation the better." In this he was supported by many of the younger element. This ultimatum of the younger men, among whom Walter Q. Gresham was the leader, was the only basis Oliver P. Morton ever had for making the charge, as he afterwards did, that Mr. Gresham was disloyal. If a consideration for the whites whose misfortune it was to be linked with the bondsmen was disloyalty, then Walter Q. Gresham was always disloyal. And never was Mr. Gresham loyal to the Republican organization on the proposition — quoting Mr. Lincoln's own words — "To make slavery express and irrevocable." To save the Union he would not make that concession, but he would give his life's blood for it.

Then it was that the line-up became sectional. In the last days of February and the first days of March, 1861, the Republicans organized the territories of Colorado, Dakota, and Nebraska, in each instance — as has already been noted — copying the Kansas-Nebraska Act verbatim; certainly not, as Mr. Blaine says, to placate the Secessionists.

The most important measure before the Indiana legislature was the Gresham Military Bill. On the organization of the House, Mr. Gresham had been made chairman of the Military Committee and had been given by Governor Lane a commission as colonel on the Governor's staff. Under the existing law the military officers of the State were elected by the men. It was manifest the officers should be appointed by the Governor. This view Walter Q. Gresham early adopted and adhered to, although he had incurred the enmity of Governor Morton and had given up his commission as colonel on the Governor's staff. The opposition to the Gresham Military Bill was based on its centralizing

effect. It was finally passed through the House on one of the last days of the session. After the vote had been taken, Representative John H. Stotsenburgh proposed to amend the title by substituting these words: "An Act Making Provision for the Complete Rout of the Republican Party at the Next and All Succeeding Popular Elections." He was ruled out of order. But the bill failed to become a law, as it did not pass the Senate.

In 1861, J. F. D. Lanier, one of the country's ablest financiers, and his partner, R. H. Winslow, under the firm name, Winslow, Lanier & Company of New York, were reorganizing the Pittsburgh, Fort Wayne, & Chicago Railroad Company. Mr. Lanier had settled at Madison, Indiana, at an early day, and before going into business in New York had been the president of the Madison Branch of the Indiana State Bank. At Mr. Lanier's instance, and also to please his friend, Samuel Patterson of Jeffersonville, a large owner in the Jeffersonville, Madison & Indianapolis Railroad, Walter Q. Gresham helped pass the legislation providing for the reorganization of the insolvent railroad corporations of the State. These acts were drawn in New York by Samuel J. Tilden, and the construction they subsequently received at the hands of the United States Supreme Court will be interesting.

In the debate on the bill to abolish the State printer, Walter Q. Gresham said: "When the gentleman from La Porte comes in here and endorses the sentiment, that 'to the victor belongs the spoils,' he endorses a doctrine that I cannot endorse."

At the election of the trustees who were clothed with the management and government of the benevolent institutions of the State—they then were elected by the members of the two houses in joint session—Mr. Gresham voted against his party; that is, he voted to retain the existing board, although it was Democratic in politics. A difference of temperament, together with these acts, started

a breach with Governor Morton that had become wide by the time the session ended.

Limited as the regular session of the Indiana legislature was to sixty days, my husband was home by the middle of March, although he had remained in Indianapolis a few days after the legislature adjourned, to look after some cases in the State Supreme Court and in the Federal courts, and also to consider an advantageous proposition to form a partnership for the practice of law in Indianapolis which had been offered him by David Macy. But for the events that followed, the law partnership would have been formed and we would have removed to Indianapolis. He told me that his relations with Governor Morton, which had been cordial and friendly at the beginning, had become strained and bitter, and that as a result he had given up his commission as a colonel on the Governor's staff. This was most agreeable news to me, for if there was to be war, I felt he would not be in it. But when Sumter was fired on, my fears came back. I knew what it meant. Wendell Phillips was the first man to mount a dry goods box in the streets of Boston and declare that the Union he had for years labored to dissolve must be preserved.

Mr. Lincoln early got in touch with the Kentucky Union leaders. And the tenderness and coddling he showered on them all during the Spring and the dog days of 1861 is in strong contrast to the part he took in 1858, in "goading the slaveholder to madness,"—although he did not put it in these exact words—as part of his plan to separate Douglas from the Southern Democrats or, *per se*, the slaveholder. I am not saying this in criticism of Mr. Lincoln, but am simply recording the fact that he was big enough to throw consistency to the winds, and turn tail on his most cherished and lofty sentiments. He became a Union man *per se*—determined to save the Union with or without slavery. That he was sincere, the people farther south and in Virginia became convinced when it was too late.

Against the charge that their position was insincere and illogical, the Union leaders in Kentucky claimed they certainly saved Kentucky as a State to the Union, and that the pledges they made to the Kentucky slaveholders, with Mr. Lincoln's consent, were in good faith, although they were not kept. The compensation that was subsequently offered by the government to the Kentuckians was utterly inadequate. And before the war was over, many of the good Union men of 1860, 1861, and 1862 were in sympathy with the Confederate government.

In his inaugural address Mr. Lincoln modified his anti-slavery views. He said that he was willing that what was implied in the Constitution of the United States should by amendment *be made express and irrevocable:* namely, "the right of one man to hold another to service" or slavery.

These words were very different from the language of the Republican platform to which Lincoln had referred George D. Prentice the year before, when Mr. Prentice urged him to give voice to his conservative sentiments. They had a powerful influence in Kentucky. But more potent than his words were Mr. Lincoln's acts in actually enforcing the Fugitive Slave Law of 1850. And never was the wisdom of Henry Clay and Daniel Webster in drafting and passing "*that infamous law that made man the catcher of his fellow man*" better attested than in those trying days when patriotic men were holding the Border States to the Union.[1]

J. Russell Jones, one of "the Galena gang" and one of Mr. Lincoln's "boys," was one of Lincoln's first appointees. Before he left Springfield Mr. Lincoln said, "Jones, I will appoint you United States marshal, and the first thing I want you to do is to return those three fugitive slaves now held in the Cook County jail in Chicago for safe keeping, pending their return under an order of Judge Drummond, to their owners, citizens of Missouri. Every attempt Buchanan's marshals have made of late to return

[1] See pages 54 and 55.

a fugitive has failed. I want to show them at the earliest moment we will enforce the law."

It was the popular belief that the Buchanan marshals had connived at rescues.

"I think I was the first man Mr. Lincoln appointed in Illinois," said Mr. Jones, "and my first official act was to remove those three fugitives to Missouri. I made my arrangements for a special train from Chicago to run through the large towns without stopping, and for a ferry boat to meet it immediately on arriving at East St. Louis. Judge Drummond gave us a clearance, and before the Abolitionists knew about it, I had delivered the three slaves to their owners in St. Louis. All of which was duly chronicled in the newspapers."

It was acts and words of Mr. Lincoln's like these that contributed to the election of, if they did not elect, at the special election in Kentucky on the 20th of June, nine Union members headed by Ex-Senator John J. Crittenden, to one State's Right or Secessionist, to the special session of Congress that Mr. Lincoln had called to meet July 4, 1861.

April 24, 1861, the Indiana legislature met in special session. Governor Morton had promptly filled Indiana's quota of troops to meet Lincoln's call for 75,000 men, issued after the fall of Fort Sumter. The most important work for Indiana was a new military law.

The first letter I received after the Indiana legislature assembled is as follows:

INDIANAPOLIS, IND., April 25, 1861.

We organized yesterday, ignoring party. The Democrats, without a single exception, are for the government and war. You can have no idea of the state of feeling in Indiana. Military companies are coming in almost every hour, and being sent back home, the call being full. We could raise 50,000 soldiers in thirty days in Indiana alone.

The Anderson Guards arrived last night and went into camp this morning. They were not here in time to get into the service

of our state, and are stationed here as a reserve guard. They are greatly admired. All or nearly all are large, stout men, and well behaved. Capt. Judson will make his mark as a military man.

The South has reckoned without her host in this hellish design of breaking up the Union. They never dreamt that the people would rise up as one man to put down the rebellion. The Rebels must now come to terms or meet the vengeance of an outraged people. There can be no doubt about the final result. God is with the just.

We will be here but a short time, perhaps a week. Horace Heffron, our Democratic friend from Harrison and Washington, proposed Cyrus Allen, the Republican speaker at the last session, and he was unanimously elected.

A few days later, I received the following:

INDIANAPOLIS, April 28, 1861.

This city is still crowded with people. There are now some 10,000 soldiers here, to say nothing of the immense throng of visitors, and in all that vast throng, there is but one sentiment — the government must be sustained. Republicans and Democrats are a unit on this question. You may think this might have been avoided, that war ought not to curse this happy land, but then you must look at the question in all its bearings. It is better to have war for one year than anarchy and revolution for fifty years. If the government should suffer the Rebels to go on with their work with impunity, there would be no end to it and in a short time we would be without any law or order. We must now teach the Secessionists a lesson. They must be made to know that they cannot attack the government without suffering for their rebellion. It is all bosh and nonsense to talk about the North making war on the South. The South rebelled against the laws and makes war on the government. I was talking this evening with a very sensible gentleman who has just been run out of the South. He left Atlanta, Georgia, last week and his only crime was that of being a Union man. He was a merchant in Atlanta and a very wealthy man.[1] He says there is a reign of terror throughout the seceded states, that the people are not consulted, but the leaders of rebellion do just as they please. He came North in company with sixty-odd others, all wealthy men. That

[1] See page 7; also page 254.

affords some idea of the practical workings of secession. The South must be ruined. There are 18,000,000 whites in the North and 6,000,000 whites in the entire South. What can 6,000,000 do in fighting the united North and keeping down their negroes? They have been led to believe that the North would not sustain the government. I think the difficulty will be settled soon. God knows we do not want to destroy our Southern brethren, but they should remember that it is their duty as good citizens to respect the laws. They have had their own way too long. Slavery makes men generous, but it also makes them tyrannical and overbearing.

I have been laboring hard ever since I came here. The military committee, of which I am chairman, has nearly all the work of the whole legislature before it. We hope to be relieved soon. I fear we will be kept here longer than I thought when I wrote you before. If we do not adjourn this week, I will try and come home Saturday if my engagements will permit. . . .

Affectionately yours,

W. Q. Gresham.

The opposition to vesting in the Governor the appointment of the officers of the regiments and the centralizing features of the Gresham Military Bill prolonged the session. The opposition was not confined to the Democrats. Leading Republicans were opposed to the measure as undemocratic and autocratic. Besides, many Republicans were disposed to let their judgment be guided by their feelings of resentment towards Governor Morton.

Horace Bell had returned from his Mexican experiences under Juarez, and when the legislature met, was in Camp Morton, the rendezvous for the volunteer troops at Indianapolis, drilling the new companies as they came in. He was then in the service of the National government. There were sessions of the military committees, both of the Senate and of the House, as the bill had to be redrafted and repassed in the House. Bell was brought before these committees as a witness of recent experience who had served in Mexico and under Walker in the Nicaraguan War. In the Nicaraguan

War he had met some of the ablest military men in the world, it was claimed. He had many works on military affairs and on the organization of armies. Reinforced by Bell's experience, his treatise on military affairs, and the testimony of the best military men in the State — among them Lew Wallace, Major Worth, an officer of the United States Army, stationed at Indianapolis, and especially Archibald Forbes' works on that subject — Walter Q. Gresham, with the aid of certain Democrats, put through the House again the bill he had drafted and passed at the regular session, vesting the appointment of the field and line officers of all regiments in the hands of the Governor, and so far as the law itself was concerned, it was made plain that politics and jealousies should be kept out of the military organization. One Republican voted against the bill because it would make the Governor a czar. Simeon K. Wolf, our fellow-townsman, represented Harrison County and two adjoining counties, Washington and Crawford, in the Senate. Through Mr. Wolf the necessary Democratic aid was secured to put the bill through the Senate.

One million of money was voted and the Governor was authorized to borrow $3,000,000 on the bonds of the State for the purpose of organizing the militia of the State.

My husband also drafted, and succeeded in getting passed, what was known as his Home Guard Bill, which authorized the citizens of a county to organize themselves into companies and elect their own officers. This was intended to benefit the river counties.

There was much dissatisfaction with Governor Morton because of some of the men he commissioned. Representative Bingham of Jennings County, in a resolution which did not pass, and a speech in support of it, severely criticized Governor Morton for appointing Horace Heffron major of the Thirteenth Regiment. Mr. Heffron never accepted the appointment. He was known to be disloyal, and he subsequently accepted a commission from Jefferson

Davis in the Confederate Army, though he never served south of the Ohio River. Governor Morton claimed that it was my husband who instigated Bingham to introduce this resolution and make the attack. My husband replied that he knew nothing of the resolution being introduced, as he was absent from the House at the time; "but," he said, "if I had been there, I would have supported it by speech and vote." Bingham was another man who never resumed cordial relations with the Governor, but, as he was young, in obedience to the demand of the old men Governor Morton commissioned him the same as he did Gresham, against his will.

These young men used their power unsparingly in investigating all the acts of the Governor, especially those relating to supplies furnished by the quartermaster-general to the soldiers. The Governor was compelled to give a strict account of the money placed at his disposal at the regular session, to be used as a contingent fund in purchasing supplies and arms.

The special session ended June 2, and with it all the friendly relations that had ever existed between Walter Q. Gresham and the Governor. His colleagues, Veatch and Moody, in the House, and Senator Miller, in the Senate, and others, were given command of regiments, while he was denied any commission at all, although he tendered his services and demanded, as he claimed was his right, a colonel's commission. He then asked for a commission in the lower grades, which was refused. There were high words and the Governor was denounced to his face for venting his personal feelings when the other had sacrificed his for the good of the cause. Horace Bell was present at the last meeting of the Governor and the chairman of the Military Committee of the House, and, of course, in Bell's version and telling of it, Mr. Gresham did not suffer.

My husband made a number of trips home during the extra session to look after his law business. On these visits

he brought a great many lawsuits, all of which he afterwards turned over to Mr. Slaughter. He remained at Indianapolis almost a week after the legislature adjourned, to argue in the Supreme Court the steamboat cases that had gone there from Crawford County.

CHAPTER X

OPENING OF THE WAR

WALTER Q. GRESHAM ENLISTS AS A PRIVATE—KENTUCKY LEGISLATURE ADJOURNS—REBEL VICTORY AT BULL RUN—CRITTENDEN RESOLUTIONS PUT THROUGH CONGRESS—WAR TO PRESERVE THE UNION—KENTUCKY STAYS WITH THE NORTH—END OF NEUTRALITY—GRESHAM COMMISSIONED LIEUTENANT-COLONEL OF THIRTY-EIGHTH INDIANA VOLUNTEERS—LOUISVILLE "COURIER" SUPPRESSED—WAR BEGUN—BUCKNER INVADES KENTUCKY—WHY HE DID NOT GO TO LOUISVILLE—GRESHAM MEETS SHERMAN—KENTUCKY LEGISLATURE CALLS FOR 40,000 SOLDIERS—LETTERS FROM KENTUCKY CAMPS—GRESHAM STUDIES HARD—ON PICKET DUTY—SUFFERING OF WOMEN AT HOME—GRESHAM TENDERED COLONELCY OF FIFTY-THIRD INDIANA REGIMENT.

WALTER Q. GRESHAM came home very much disappointed and outraged that the Governor had refused him a commission, while on the other hand I was delighted, as I felt that this might keep him out of service. But he bought books on military tactics and science, and immediately was instrumental in the organizing of a company, in which he enlisted as a private. It drilled at night in Corydon during the months of June and July.

Still, like many others, I did not despair of a peaceable settlement of the trouble. I hoped there would be no real need for volunteers. With a woman's instinct, I knew what war would be for me. My prayers were for peace. I exacted pledges from my husband which I knew he could not keep should the actual contest come. I got no comfort in the assertion of my father that one Southern man would be equal to five or six Yankees, so that when it came to fighting

there would be but little of it. My father frequently said to my husband, "You will not fight when the time comes, because it will be useless. You will let the South go." My father did not see, and this was the mistake of the Southern leaders, that it was a conviction that the Union should be preserved, and a question of morals, with such men as my husband. In the discussions with my father, I amused him when I told him that, as my native State was neutral, I would be a neutral; and I angered him when I asked him why it was, if the Secessionists believed in "State's Rights," they did not let Kentucky alone. I thought if both sides would leave Kentucky alone, she would somehow settle the controversy.

Meantime the Kentucky legislature, which had been meeting and adjourning at intervals since January 17, finally adjourned *sine die*. But before doing so it provided by a special statute that its successor, which was to be elected at the regular semi-annual election on the 4th of August following, and which, according to the general law, would not meet until January, 1862, should convene the first of September, 1861. The dissolving body two years before had elected John C. Breckenridge to the United States Senate. The shuttle-cock of faction under the guise of neutrality, it had been first on one side and then on the other. Each side wanted an early meeting of the new legislature because each anticipated an easy victory at the polls. Mr. Lincoln's "House Divided against Itself" speech, the Secessionists believed, would give them the State. The Union members believed that in providing for the organization of the Home Guards they would meet or neutralize the work of General Simon Bolivar Buckner, who was then marshaling the Kentucky militia.

The Rebel victory at Bull Run, July 21, brought home to both sides the conviction that it was to be a finish fight. When it came to practical politics, Abraham Lincoln had them all beaten. He not only "played both ends" but

also "the middle." On July 22 the same John J. Crittenden we have so often quoted, then a Union member of the House from Kentucky, put through Congress, with Mr. Lincoln's approval, a series of resolutions: "That Congress, banishing all the feelings of mere passion or resentment, will recollect only its duty to the whole country; that the war is not waged in any spirit of oppression, or for any purpose of conquest or subjugation, or the overthrowing or interfering with the rights or established institutions of the seceding states, but to defend and maintain the supremacy of the Constitution, and preserve the Union with all the dignity, equality, and rights of the several states unimpaired, and that as soon as these objects are accomplished, the war ought to cease." They passed the House with only five dissenting votes, and the Senate, where they were introduced by Andrew Johnson, with only two votes in the negative. Charles Sumner, in the Senate, and Thaddeus Stevens and Owen Lovejoy, in the House, could not swallow them, but they dared not vote against them; for Wendell Phillips, as the Massachusetts troops were going to the front, after taking back all the harsh and unkind things he had said for years about his native State, was uttering patriotic sentiments in terms as glowing as any that ever fell from the lips of Daniel Webster. Not a word then about "those clients who stood dumb within the law."[1]

A year later, however, when the Union armies were in the heart of Dixie, Phillips began to make life a burden for Mr. Lincoln about abolition. As a woman, I feel that the pledges which were made to the Kentuckians about compensation should have been liberally kept by the Government. Many refined and cultured Kentucky women were impoverished because of the loyalty of their fathers and husbands and brothers in 1860 and 1861. John J. Crittenden died a broken and disappointed but not a bitter man.

[1]See page 205.

The adoption of the Crittenden resolutions was the trump card in Kentucky. Most of the Kentucky slaveholders, on the 4th of August, 1861, sided with the Union, and a decided majority of the members that day elected were Union men. But it was really a pro-slavery legislature. Its first act was to declare "that no citizen shall be molested on account of his political opinions; that no citizen's property shall be taken or confiscated because of such opinions [this was to meet the segregation acts of the Confederate Congress, confiscating the property of those who gave aid and comfort to the enemy], *nor shall any slave be set free by any military commander.*"

This 4th of August election was the end of "neutrality." Instead of its operating as many believed and hoped for, and I was of that number, there was soon a forward movement all along the line. To my father, who was still declaring the Abolitionists would not fight, my husband said, "You will soon be undeceived." But even then I was not prepared for the shock that came a few days later when my husband showed me a commission he had just received as Lieutenant-Colonel of the Thirty-eighth Indiana, which was to be organized shortly at Camp Noble in New Albany. Samuel J. Wright and others had protested to Governor Morton against sending commissions to "cripples and invalids and traitors," to men who could not and would not accept, while the only man Harrison County had fit to command was ignored. Mr. Wright was an enrolling officer and on more than one occasion his strong and picturesque language "riled" Indiana's great War Governor.

I was no Spartan. I was unlike many women who at that time urged their husbands and brothers to go forth for their country. Instinctively I felt the suffering that must come on the innocent, and my experience justified all my fears. But the suffering and anxiety that I afterwards went through was nothing compared to what other women endured and suffered, both North and South. For this

reason, I have always protested against war as a means of settling national differences. It is often corrupting to nations as well as to men and women. Possibly my father's views made it harder for me than for most women, and made me see more clearly into the future. Had he been a younger man, I have no doubt he would have gone to the Confederacy. He used his influence with my brother to keep him from the Union army, even after Governor Morton had sent him a commission.

Colonel Benjamin F. Scribner, a veteran of the Mexican War, had been commissioned Colonel of the Thirty-eighth Indiana. Daniel G. Griffin, my father's adopted son, then in the employ of the Louisville, New Albany & Chicago Railroad Company, and several years removed from my father's influence, went out as adjutant of the regiment. He was then as he had been for a long time, Captain of the Anderson Rifles, a crack local military organization that had reorganized as one of the two home guard companies apportioned to New Albany under the Gresham Home Guard Bill. The other New Albany company was the Sanderson Guards. So suddenly was the Thirty-eighth organized that, at the conclusion one evening of his company drill, Captain Griffin had time only to send a short note to a young lady, Miss Mary Compton, whom he was to marry, stating that, instead of calling on her, he would enlist that night and at once take part in the organization of a new regiment. Many of the officers of the Twenty-third Indiana, then at Camp Noble and well along in organization, had graduated from Dan Griffin's Anderson Rifles. William L. Sanderson, a veteran of the Mexican War, and one of New Albany's most respected and dignified citizens, was the Colonel, and George S. Babbitt,[1] Dan Griffin's special friend and a graduate of the Anderson Rifles, was one of its captains. Daniel Griffin's military training at the Kentucky Military Institute was

[1] See pages 242, 282, 294–5, 306 and 319.

invaluable at that time to the Union cause. Small in stature, he was *par excellence* a drillmaster. The Home Guard companies had been organized all over southern Indiana. On July 4 there was a grand review and prize drill at Camp Noble. With half of his old men in other organizations as officers, Dan Griffin with the Anderson Rifles took the first prize, and then showed the veteran officers of the Mexican War how to handle a battalion and a regiment.

"Mollie" Compton was greatly delighted at all this. A cheery, lighthearted girl, she had many bouts with my father because he could not keep the boy he raised and his son-in-law out of the Union army. Doctor Payne, a bitter Secessionist, who married my eldest sister, went out as the surgeon of one of the southern Illinois regiments. Stephen A. Douglas had pulled him into line. My father confided to Miss Compton that while he did not have much influence with the Yankee members of his family, he was glad they were good officers. What to me was a reality from the start—that war was hell—Mollie lived to learn. She married Dan Griffin on one of his short furloughs home, and then before the end of the war soothed his last hours as a brevet brigadier-general of volunteers. In those formative days my father was in the commission business with headquarters at 7th and Main Streets, Louisville. He never lowered his colors, but in 1862 retired from business, rather than "become a Union man and make lots of money as an army contractor."

Part of the men of the Thirty-eighth were without arms until they started for Kentucky. At Camp Noble I saw men of the regiment drilled in company movements without arms and in some cases carrying sticks for guns. On the 21st day of August Colonel Scribner wired to the War Department, and to Governor Morton, the following dispatch: "I have a regiment of men nearly ready for service; do you want them?"

Within an hour he received the following answer from Govenor Morton: "You are accepted. Report to Adjutant-General Noble at Indianapolis."

Camp Noble was on the northeastern outskirts of New Albany, in what was known as the State Fair Grounds. Within two miles of Camp Noble was Camp Joe Holt, which had been established by Lovell H. Rousseau on land that belonged to Blanton Duncan of Louisville. This land was in the original grant of the United States to George Rogers Clark and his soldiers and lay about a mile down the river from the State Prison, which was at the western limits of Jeffersonville, just across the river from Louisville. The site was selected partly because of its easy access from Louisville, and also because, some two months before, in defiance of Kentucky neutrality, Blanton Duncan, its owner, had led a regiment of Kentuckians to the Confederacy.

Rousseau, afterwards a Union general, was a Louisville lawyer who had seen service in the Mexican War at a time when he was a citizen of Indiana. As a member of the legislature of Kentucky, which had just adjourned, he had resisted secession. His idea was that it would be observing Kentucky neutrality to establish the camp on the Indiana side and at the same time get ready for the emergency that would demand troops. Another so-called Kentucky recruiting station, Camp Clay, was established opposite Cincinnati, about the time Camp Joe Holt was established. Most of Rousseau's officers were Kentuckians, but his men were recruited from the slums of Louisville, among the deck-hands of the steamboats, and from Indiana volunteers. It was on July 1 that Rousseau established his camp. Of course Adjutant-General Buckner of Kentucky had no hand in it. The tents were made in New Albany by Wm. A. Daily and were paid for by the National government, which also furnished the arms. At first the organization was called the "Louisville Legion" and Stone's

Battery; later, the Second Kentucky Cavalry, the Fifth Kentucky Infantry, and Stone's Indiana Battery. The young, active Kentuckians were not yet ready to enlist. Several months later they did. But in the Summer of 1861 it is true, as General Sherman said, that most of the active young men were inclined to the Confederacy or were noncommittal. On July 12, when he predicted he would have 1,500 men in Camp Joe Holt, General Rousseau could count only 800.

While I was never in Camp Joe Holt, I spent many days at Camp Noble, where I ate the soldiers' fare, drank coffee out of a tin cup, heard the conversation of the officers as they talked of visits to Camp Joe Holt, and saw some of the Kentucky officers who came to Camp Noble. Many of the New Albany people visited Camp Joe Holt to see the dress parade. Enough time had elasped since its establishment to make the Rousseau regiments proficient in drills. Among the visitors who went to see the Kentuckians drill were the New Albany young ladies, among whom Mollie Compton was a leader. Then she would come back to Camp Noble and tell Dan Griffin how much better drilled and armed the Kentuckians were than the Thirty-eighth. One of the results of these visits to Camp Joe Holt was a number of "matches" followed by marriage.

It was after the Kentucky election on August 4 that President Lincoln authorized Lieutenant Nelson of the navy to arm a camp that was organizing at Camp Dick Robinson, near Danville, Kentucky, and made his celebrated answer to Governor Magoffin's protest against this violation of the neutrality of Kentucky, that "it did not seem contrary to the wishes of a majority of the people of Kentucky for the force to remain at Camp Dick Robinson." At the same time the Governor wrote to Jefferson Davis, the President of the Confederacy, that while he did not fear the massing of so many troops on the Kentucky border on the south, yet it created uneasiness in the minds

of many. Mr. Davis answered under date of August 28 that the purpose of the concentration of the troops on the Tennessee border was to be in readiness to repel the invasion of that State by the Union forces, and that the Confederacy would respect Kentucky's neutrality so long as she herself maintained it.

Meanwhile the Kentucky State Guard under Adjutant-General Buckner was concentrating at Camp Boone, Tennessee. They became the Second, Fourth, and Fifth Kentucky regiments of the Confederate army; and General Buckner, as a brigadier-general in the Confederate army, was put in command at Camp Boone.

The plan of the Confederates was to claim that the neutrality of the State had been violated by the camp at Dick Robinson, and to invade the State all along the line and call the Secessionists to arms. Governor Magoffin was in the plan, as were many other leading men, some secretly, others openly. Among those working in secret was George D. Prentice.

September 3 the Confederate General Polk, late a bishop in the Episcopal Church South, occupied Columbus. General Grant immediately took possession of Paducah. On the 15th of September Buckner moved up to Bowling Green, and two days later part of his forces were within fifty miles of Louisville.

At Bowling Green, General Buckner issued a proclamation which was published in all the Louisville newspapers, to the effect that he came at the head of Kentucky troops to preserve Kentucky neutrality, and as soon as that was reestablished he would retire from the State. The *Courier* was teeming with sedition and secession, while Prentice in the *Journal* was deploring the inertia and supineness that prevailed. "Not a man has volunteered, the Governor and city authorities are doing nothing. All an enemy has to do is to walk in, hang his hat up, and take possession of the mansion." All of which duly reached Buckner's camp.

In the event that Buckner reached Louisville, aside from all the circumstances and Prentice's declaration that when it came to a war for the subjugation of the seceding States, Kentucky should take her stand with the South, I have Henry Watterson's statement that Prentice was prepared to welcome Buckner to the city by running up the Stars and Bars over the *Journal* building.

And why did not Buckner come? The answer is in what had taken place at Camp Noble and Camp Joe Holt.

On the 18th of September the Kentucky legislature, after General Pope had ignored its request of September 11 to retire from the State, requested General Robert Anderson, the Federal commander and a "native" Kentuckian, to take instant command, with authority and power from the commonwealth to call out a volunteer force in Kentucky for the purpose of repelling the invaders."

The same day the Louisville *Courier* was suppressed because it was a "Rebel sheet," as the government of the United States expressed it. It was afterwards published from Bowling Green and Nashville while those places were occupied by the Confederate army. My father took it while it was published from these places. He would bring it to me, with glowing accounts of the success of the Confederate army. It greatly disturbed and distressed me, so one day I told him he must remember my husband was in the "Yankee" army, and that I could not stand the discussions we were having and could not listen to the news he was bringing me. He said I was right, and that was the last I heard of the *Courier* until after the close of the war, when it appeared again in Louisville with Simon Bolivar Buckner as the editor. So it must not be understood that Buckner never got to Louisville.

General Sherman, in his "Memoirs," does not make plain the day that Rousseau's regiments crossed the river and advanced south to meet "the sudden and unexpected invasion of Kentucky by Buckner." He states that on the order

of General Anderson he went over to Jeffersonville and in an hour had the regiments on the march to the ferry, and that they went thence that night by rail to Lebanon Junction. He also states that James Guthrie of the Peace Conference, the president of the Louisville & Nashville Railroad, arranged for the special train which carried the Rousseau brigade to Lebanon Junction. One of the stories of the times was that the Rousseau Louisville Legion and Stone's Battery crossed the river to Louisville, on the 18th of September; that the cavalry regiment marched to Lebanon Junction, while the infantry and the battery went at night by train to the same point.

The Thirty-eighth Indiana was mustered into the service of the United States government on the 18th of September. It left the camp on the afternoon of the 21st, Saturday, and as the men marched through the streets of New Albany they were met by wagons from the Jeffersonville Penitentiary carrying arms for those who had not yet been supplied, and knapsacks for the entire regiment. They were without cartridge boxes, but at Louisville ammunition was issued to them, which they carried in their pockets. The excitement was great as they went through Louisville. James Guthrie had arranged for a freight train on the Louisville & Nashville Railroad, and they went that night to Lebanon Junction.

In a few words, in a letter written home at this time, in pencil, my husband pictures the rapid, exhausting march:

CAMP SHERMAN,
September 24, 1861

We left Louisville Saturday night about 10 o'clock and worked our way cautiously to Lebanon Junction, arriving there about 7 A.M. Sunday. We halted a few hours, and then took up our March for Elizabethtown, where we arrived about sunset after a very fatiguing march. We crossed Rolling Fork where the bridge was burnt, the water being nearly up to our shoulders. The boys plunged in with a will.

Our object in moving on so rapidly was to get to Elizabethtown before the Rebels, which we did. We encamped for the night, sleeping on the ground, and yesterday morning came out here, where we have stopped to meet the enemy. Our baggage is all back at the Junction, but we expect it to-day. I have not had my clothes off since I left New Albany, and I never felt better in my life.

We all expected to have fun at Elizabethtown, but Buckner was not there. We have now here about 4,500 men and a battery of six guns. By to-night or to-morrow morning the number will be swelled to 6,000.

General Sherman is a strong man. He pays no attention to the traps and trimmings. He has brains and is all the time wide awake.

My prospect now to get home soon is not very good. . . . .

September 25 the Kentucky legislature, over the veto of the Governor, called for 40,000 Kentuckians to serve for not less than one year nor more than three to repel from the State the armed invasion from the South. That even then the Kentuckians did not come forward with alacrity is manifest when we consider that thirty days later but fifteen Kentucky regiments had been organized, while in the meantime there had reached Kentucky seventeen Indiana regiments, aggregating 18,187 men; and thirteen Ohio regiments, three from Pennsylvania, two from Minnesota, and several from other States.

The following letter from Colonel Gresham is of interest at this point:

CAMP MULDROUGH HILL,
September 27, 1861

I wrote you the other day by Mr. Cannon, giving you a brief account of our march to this place. We had a hard time of it for several days, but we now have our tents and supplies and are living finely. Give yourself no trouble on my account for really I believe I can enjoy myself better when we are hard up than at any other time. I can stand as much hunger, heat, and cold as any other man. It is all over now, but for three days we lived

on meat alone and that too of a poor quality, yet I never was in better spirits in my life. You need not be afraid of my risking my life unnecessarily. I want to live, I confess, on my own account, but more on your and the children's account.

Our force is still increasing. We have a most splendid army. Rousseau's men, as a whole, are the worst in the camp. His brigade is composed mostly of low, worthless men who have no pride nor character. Of course, there are exceptions. The Ohio troops can't be beat, but old Hoosier, God bless her, stands head and shoulders above all the States. The Indianians are cheered wherever we find Union people in Kentucky. The Kentucky officers all say the Hoosier soldiers are the best in the Union, but they claim that we are all descendants of the Kentuckians.

I was field officer of the day from yesterday morning till this morning. It is the duty of the field officer to station the pickets according to the instructions of the general. I started out this morning at two o'clock on the grand rounds, visiting all the pickets. Several times during the night the pickets fired on men trying to get through the lines.

Can't say how long we will remain here, perhaps a week or two weeks.

I shall be all night making the grand rounds. The grand round is visiting all the pickets after night and seeing they are all faithful and that nothing is wrong. We will start out at ten and get in about daylight.

I have received the sword, belt, etc., presented me by my friends. It is a very nice one and I prize it highly. Our boys are all doing finely—very little sickness, none of a serious character. I am getting stouter every day; think I am going to grow fat if I stay in camp long.

Here I must anticipate and relate what General Sherman afterwards told me many times—first at the Gayoso House in Memphis.[1] I give his exact words: "When your husband came to report to me at Muldrough Hill, he was the handsomest young fellow I had ever seen, with his black hair and brilliant eyes, but what delighted me more than I can tell was what he said—'General, we know nothing about soldiering, but are here to obey orders, study,

[1] See page 194.

and learn.' He, I said to myself, is the kind of man I am looking for; he will learn, and I ordered him and his regiment right out to the front. . I put him on the picket line and kept him there most of the time he was with me."

It so happened that Colonel Scribner was absent when the Thirty-eighth Indiana Volunteers first reported to General Sherman, and thus it was the lieutenant-colonel who spoke for it.

Walter Q. Gresham could obey and did obey his superiors. He recognized the trained soldier as his master. But when it came to political, legal, and moral questions it will appear he recognized no party[1] and no man as his master, neither General Sherman nor General Grant.[2]

I give a number of letters received by me at this time:

CAMP MULDROUGH HILL,
September 30, 1861

Yesterday was Sunday. At nine in the morning we were inspected by General Sherman. He is a very singular man—very plain—more regardless of his appearance than I am—says but little. He is decidedly a man of action. He has a regular military education. Was in command in California during the Reign of the Vigilantes.

From present indications I think we will soon have a large army here. I have just learned from Mr. Wintersmith that the famous Sixty-ninth Irish Regiment of New York is back at the Junction. In addition to that, troops are coming in from Pennsylvania, Ohio, Indiana, and Illinois. The boasted chivalry of Kentucky are great for bragging on each other, but at a time like this, when their State is invaded, you would think every man would step forth to battle for her rights. She is lukewarm.

I am satisfied the administration intends to make this army 50,000 or 75,000 strong and send it to Nashville and there operate in conjunction with Frémont on the Mississippi. I was told by a gentleman last night who knows or who is in a position to know, that 40,000 men are ordered from Washington here, that is, to Kentucky and Tennessee by this route.

Scores of Kentuckians are coming in daily and taking the oath.

[1] See pages 184, 458, 656 and 670. [2] See pages 427 and 469.

Some come over twenty miles. Some of them seem to be much relieved after taking the oath and being forgiven, as a guilty sinner after his load of sin is removed.

Our chaplain sings well, prays well, preaches well, and I am satisfied will fight well.

You can make such disposition of the home as you like. If you could rent it to a good family, perhaps you had better do it. . . .

Camp Muldrough, Kentucky,
October 6, 1861

It is now 5 o'clock in the afternoon, and I have been in the saddle all day—I think I have traveled over twenty miles. I am field officer of the day and have charge of all the outposts or pickets. We have thrown out our pickets from two to four miles around the camp.

Dan has been with me to-day and although it has been raining on us pretty much all the time we have had a good time of it. Dan is the best adjutant in the brigade; he is altogether the most perfect man I ever saw, and the more I am with him the more I see about him to admire. He has fine military talent.

Our regiment has improved most marvelously since we came here. I never studied so hard in my life as I have in the last two weeks. I am determined to be up with the best of them.

Camp Nevin, Kentucky,
October 24, 1861

I am pleased with the way General Sherman is managing this column of the army. He is organizing it on a large scale, I assure you, and when we do move forward the Rebels will have no child's play of it fighting us. We belong to General Wood's brigade, which consists of the Twenty-ninth, Thirty-eighth, and Thirty-ninth Indiana Regiments, and General McCook says we are the best brigade he ever saw anywhere. We drill eight hours every day, so you see we are not idle.

A Pennsylvania brigade comes up to-night. I will go down to meet them and see if John Jones is along.

The Second Minnesota got up this morning, but I have not had time to call on them and see whether Bill [the younger brother] is along or not. I hope he is, for I don't want him to stay at home at a time like this.

There was quite a scene at General Wood's headquarters last night. Fourteen slaves belonging to his father, living on Green River, walked all the way to him for protection. The general told me that one of the servants, his sister's maid, who is intelligent and virtuous, was robbed of her clothing, and she came to him with a blanket wrapped around her. He also says that the Rebels made the Union ladies give up their finger rings and everything of value.

CAMP NEVIN, KENTUCKY,
November 8, 1861

I have just returned this morning from picket duty; I went on yesterday morning—and have been in the saddle at least twenty hours out of the twenty-four. I lay down last night in the woods and took a short nap.

Camp life agrees with me finely. My health has not been as good as it now is for years. If you are just as comfortable as I am, you will do well this winter.

Yesterday evening Colonel McHenry of Owensboro sent into our camp fifteen secesh cavalrymen, with their horses, etc., which were captured by him when on their way to join Buckner. I saw them last night. They were anxious to take the oath and be forgiven, but they were not so fortunate as that. They will be confined as prisoners of war, or handed over to the loyal authorities of Kentucky to be dealt with. We are still at Camp Nevin and I can't say when we will leave. The men are all anxious for a move.

The greatest sufferers in the war were the women who were left behind. I saw something of the suffering and woe the war brought to the Southern women and I sympathized with them. To many a youth the war for most of the time was a holiday. The men in authority and at the front had none of the heartrending, anxious times the women had. A war is an evil not so much because of the loss of life and physical pain that is inflicted, but because of the corrupting influence it has on society—with its swarms of contractors, sutlers, and parasites of every kind. In our war, the destruction of private property, the property of

non-combatants—because of its use by the enemy—to me was horrible. The only time I ever heard my husband question the wisdom of any of Sherman's acts was after the "Meridian campaign" in January, 1864, when he said, "It was awful the way we burned bridges, mills and grain, and private property of every description that could be used by our enemy; but our orders were imperative." For such work he had no heart. Southern people blame General Sherman for much unnecessary, and as they put it, wanton destruction of private property. But that property was not destroyed until it was evident that it was being used to help sustain a cause that the pitched battles had already demonstrated could not succeed, and until the Confederates themselves were getting close to the line that divides the war of the civilized man from that of the savage, if there is such a line. General Sherman simply applied the rules of his profession to the case before him, and made war, however it may be disguised, what it really is—hell. Honest, generous, and warm-hearted, when the end came, he was the most magnanimous man in the North.

I quote several other letters sent me from the field:

Camp Nevin, Kentucky,
November 29, 1861

Captains Carter and Glover have succeeded in getting furloughs for a few days to visit their families, and I take advantage of the opportunity to send you a few lines:

We are in very much the same condition as when I wrote you last—no worse and not much better. One poor fellow died last night in his tent and another is dying now. It has been raining constantly for three or four days. Last night the very heavens seemed to open. The information from Buckner's army is that the mortality there is much greater than it is here. He lost over a hundred men in one day last week.

We are waiting here for reinforcements before we move, but every preparation is being made now to advance. Pontoon bridges are being built which we will take with us for the purpose

of crossing creeks and rivers. It is thought we will get off next week. I hope we will move soon, for I think a change will do the men good.

My health continues good. I never felt better in my life.

CAMP NEVIN, KENTUCKY,
November 30, 1861

Another Sunday is well-nigh gone and the remainder of it will be devoted to writing you a letter. The last two or three days have been cold and disagreeable, but we have fared well. Some of our boys have invented a very good substitute for a stove. You have seen the old-style kiln for drying fruit. It is made on that principle. A flue is at one end of the tent, extending inside about two feet, with a small chimney at the end outside. By this means our tents are made quite comfortable. Lesh Pfrimmer and John Springer of Captain Carter's company were good enough to build a very nice one for me yesterday, for which they received my warmest thanks. I am fortunate enough to have plenty of good friends. I verily believe there are men in this regiment who would deny themselves almost everything to accommodate and please me. There is nothing like having good friends in the army. The man who has no friends is not deserving of them.

Major Merriwether and I have moved together, and we now occupy the same tent. He is a very clever gentleman and we get along very agreeably.

I am now more at a loss than ever as to the intention of General Sherman in regard to the movements of this division of the army. I am satisfied he intended to make a forward movement some ten days ago, but the reported reinforcement of the Rebels likely induced him to postpone his contemplated attack until he gets further reinforcements. I have great confidence in his judgment. In fact, I have almost learned to believe that anything he does is right. I am satisfied that if he is left free to pursue his own way, he will speedily expel the Rebels from Kentucky. All communication with our camp is now cut off, General Sherman not allowing any civilian to enter our lines. The Rebels were in the habit of coming into camp with loud professions of loyalty to the Union, taking the oath of fealty, swearing that they would remain

true and loyal and in no way aid or countenance the rebellion by giving information or otherwise, and thus they were enabled to get a peep at our camp, after which they would straightway go to Buckner and report what they had seen, the number of men we have, and everything else that they could remember that would be of service to the Rebels.

Tell Tom bad reports have come out here concerning the Corydon Home Guards. It is said that when they got to Mauckport they refused to cross the river on the ground that they were *Home Guards* and were not bound to leave the State. In other words, the report comes here from Mauckport and Louisville that the Corydon Home Guards acted the coward—that they were afraid to cross the river when called on. I feel sensitive on the subject myself, and I want Tom to write me giving the particulars. Did the boys refuse to cross the river from fear? I can't believe it.

CAMP NEVIN, KENTUCKY,
December 7, 1861

"Remember the Sabbath day to keep it holy," is one of the solemn injunctions of that good book, but I am inclined to believe that it was not meant to apply to the army. You see very little in the army to remind you of the manner in which "home folks" spend the Lord's day. It is true that where there is no immediate prospect of an engagement the men are permitted to rest from their labors to some extent on the Sabbath, but still it is not like a Sunday at home.

CAMP NEVIN, KENTUCKY,
December 9, 1861

We moved yesterday evening from our old camp. We are about two miles southwest of where we were. General Buell has issued an order changing our brigades. We are now in the Seventh Brigade under General Negley of Pennsylvania. We were before under General Wood and in the Second Brigade, composed exclusively of Hoosiers. General Negley's brigade is composed of two Pennsylvania regiments, the First Wisconsin, and ours, the Thirty-eighth Indiana, with a battery of six guns. The First Wisconsin is said to be the finest regiment in the army of Ohio. Can't say that I am displeased with the change, though I know nothing about General Negley. It was thought that it

would have a good effect to mix up the regiments from the different states; in other words, it was thought it would have a tendency to nationalize the army. The boys are well pleased with the change of camp. I think the sick will improve more rapidly now.

General Buell, by a general order, has convened a general court-martial, which assembles every day at headquarters. It is composed of a dozen officers. It is the duty of a court-martial to try all offenders against military laws, etc. There is not much mercy shown a man when he is brought before a court-martial for disobedience, negligence, or almost anything else that is unbecoming a good soldier. I am a member of this court, and I guess you would think I had a stony heart if you could be present at some of our trials. We have not inflicted the death penalty yet, but can't say how long it will be till we do.

I received a letter from Judge Otto the other day, from Indianapolis, stating that I had been proposed to the President as a suitable person to be appointed brigadier-general. I hardly know whether I want the appointment or not. Am a little afraid it is climbing a little too fast, though I believe I am as well qualified as a majority of our brigadiers. The judge is at the bottom of the thing, and it has all been done without consulting me. Say nothing about it, for people would think you were bragging.

If it is so I can possibly get down to Louisville, Christmas, I will meet you there, but don't rely on anything of the kind, for it is very uncertain. We are now waiting for the gunboats at Cairo. We will move simultaneously with that column. They will likely be ready in the next ten days. We have now got a pretty large army in Kentucky. It is strung all the way from here to Louisville.

I wish you could take a peep at us; you would be better satisfied afterwards. We live much better than you imagine. Mrs. Scribner has just left camp. She said she had no idea that we could get along as well as we do. But now no women can enter our lines, there being a general order against it.

Camp Negley, Kentucky,
December 10, 1861

I have little time to write. We are all preparing to go to Green River. Part of the force started yesterday. We will all go ahead

just as fast as our transportation will admit. I will be apt to go to Green River to-morrow, whether our regiment goes or not. The general court-martial of which I spoke in my last letter will adjourn to-day to meet there — Mumfordsville — to-morrow, and being a member of the court I will have to go along. Heretofore the troops have been stationed all along the line of the road from here to Louisville, but now they are being ordered forward. We will have on Green River by Sunday an army of 25,000 men; that, though, will not include all our force.

I received a letter from Governor Morton Saturday tendering me the colonelcy of the Fifty-third Indiana Regiment, now being organized at Indianapolis. I have written back accepting the appointment, but the court-martial and this forward movement may keep me here some time yet, and I may not take the appointment at all. As soon as I can leave here a few days I want to run up to Indianapolis and see how things look. General Wood and my friends here outside the Thirty-eighth advise me to accept. It is not generally known in our regiment that the Governor has tendered me the command of the Fifty-third.

Camp Wood, Kentucky,
December 15, 1861

When I wrote you last we were preparing to move. We got down here (near Green River) Wednesday night about 8 o'clock. We are all much better pleased than we were before. We are camped on high ground. The air is pure and bracing, and I am confident our sick list will constantly grow less. I wonder that any of us kept our health at Camp Nevin. It was a miserable sickly place.

Our court-martial is still sitting. We hoped to have been able to adjourn last week but new cases are constantly coming before us. As soon as the court adjourns I want to run up to Indianapolis and see how the Fifty-third looks. If I can get it ready to enter the service soon, I will take command of it, and if I can't I will decline. Lieutenant-Colonel Burgess is very anxious for me to accept. I have just heard from him.

Meantime I want you to come down and visit me here. Write promptly and let me know if you are coming and I will meet you.

Here I must bid good-bye to the Thirty-eighth Indiana Volunteers. It was one of the three hundred fighting regiments that supported the Union cause. It lost 411 men. But one Indiana regiment suffered a greater mortality—the Thirtieth, with 412. It "veteranized," or re-enlisted, in 1864, 247 strong. At Perryville, after it had exhausted forty rounds of ammunition, Colonel Scribner and Lieutenant-Colonel Griffin held it in line with fixed bayonets for twenty-five minutes in the face of a galling fire, until relieved to go to the rear and fill cartridge boxes. This was Colonel Scribner's last service with that regiment. Civil engineer that he was, the sketches he sent home and his letters show that Dan Griffin was competent to criticize Buell and Rosecrans "for not leading them on." Under Colonel Griffin, it was said, "night or day the Thirty-eighth was always ready for any duty."

CHAPTER XI

THE FIFTY-THIRD INDIANA VOLUNTEERS

ORGANIZATION OF THE REGIMENT—GRESHAM FIRST COLONEL—THE FIFTY-THIRD GUARDS PRISONERS CAPTURED AT FORT DONELSON—GOES DOWN MISSISSIPPI RIVER TO JOIN GENERAL GRANT—SICKNESS IN CAMP—REGIMENT GOES UP OHIO AND TENNESSEE RIVERS TOWARD SAVANNAH.

A TELEGRAM changed our plans, so instead of going to Muldrough Hill or one of the other camps for a visit, we met at Louisville. On my way there I stopped at the residence of Samuel and "Aunt Sally" Patterson in Jeffersonville. Unknown to me, at the same time came Governor Morton and Mrs. Morton. It was one of the few times I ever saw Governor Morton. He was a handsome man and naturally an object of great curiosity to me. Our meeting was not cordial. But it was more embarrassing to the Governor than to me. He knew that I knew that he had not commissioned my husband because he wanted to do so, and that I knew of the things that had been said to him and about him. The next morning "Aunt Sally" Patterson said with a sniff, "The Governor and Mrs. M. have gone to Louisville." But she was a wise woman, and her husband's railroad was making lots of money at that time handling State troops and munitions of war.

My husband and I met at the Gault Hotel, Louisville, for Christmas. From Louisville he went to Indianapolis, where it was at first supposed the Fifty-third was practically ready for the field; but instead it was only a paper organization. Horace Bell, the hero of the famous kidnapping affair, was then in Indianapolis in the service of the War Department, and my husband wanted him to be lieutenant-colonel of the new regiment. The Governor was willing to commission him, Bell said, but imposed conditions that he,

Bell, could not comply with, namely, that he bear part of the expenses of organizing the regiment. There was a stormy interview between the Governor and Mr. Gresham in the Governor's office. Some of the things Bell reported that "Gresham said to the Governor's face" were awful, and I will not repeat them. These statements and also Bell's own assertion that the Governor was selling commissions, Bell proclaimed broadcast, and over the Bates House bar, and, in the language of the barbarian and savage of that time, avowed his personal responsibility to any man who might feel aggrieved at his statements.[1] The fact that no man in those days wanted to fight with Horace Bell, although to do so would be to espouse the cause of the second strongest man in the nation—for such then was Oliver P. Morton — does not necessarily verify Bell's statements. It was due to Indiana's War Governor that Mr. Lincoln very properly removed General Don Carlos Buell, and in forensic ability my husband rated Governor—afterwards Senator—Morton as second to no man who had appeared since Webster's time. But often what is said is as important as what is done. This much I will quote from Horace Bell: "Your husband denounced the Governor for deceiving him into resigning a commission in an active regiment in the field for a commission in a paper organization. 'You can't keep me out of the field in this way, and expenses will not stand in the way of the organization of the new regiment.'"

Mr. Slaughter, Samuel J. Wright, Dr. Slemmons of Corydon, and Peter R. Stoy of New Albany, helped my husband bear the expenses of the organization of the Fifty-third, and the breach between the Governor and my husband widened. Bell continued in the service of the National government to the close of the war, and achieved distinction and honorable mention as a "scout." There was not enough hazard for him in the field. He was one of the men who went through the South visiting the Confederate armies

[1] See page 183.

and reporting at intervals to Mr. Stanton and Mr. Lincoln.[1]

We had a few happy days at Corydon. Various places were visited to make speeches for the purpose of encouraging enlistments. The fact that my husband had been in the service induced parents to trust their boys—for most of the recruits were mere boys—to him rather than to the many political appointees. He declined at this time to consider the offer of a nomination for Congress, because, if elected, he did not propose to leave the field until the war was ended. Samuel J. Wright was the enrolling officer of our district. He would get up the meetings, and then my husband would make a speech on the necessity of preserving the integrity of the Union. Meetings were held as far north as Bedford, the county seat of Lawrence County. A master of denunciation and invective, Colonel Gresham scored the traitor, but still disclaimed being an Abolitionist, and reminded the people of the speeches he had made in every campaign since 1854, as evidence of the position he had taken and the government was then taking, that their object was only to preserve the Union. At the end of a speech a number always came forward and enrolled their names as members of the new regiment.

January 10, 1862, headquarters were established at the fair grounds in New Albany. It was still called Camp Noble.

I again went to New Albany and, notwithstanding the winter weather, made a few visits to the camp. The "Barracks," as the fair ground buildings were called, the horse stalls, and the tents were poor protection in winter time. Drilling was done in the large halls designed only for occupancy in summer time.

It is not to be wondered at that sickness soon appeared. Measles, the deadly enemy of the seventeen- and eighteen-year-old recruit, soon confronted them. Many were in the hospitals before the regiment was formally organized.

Thus passed January and February down to the 22d,

[1] See page 183.

when the Fifty-third was mustered into the service. Enlistments were not as rapid as had been expected and as desired, so on the 26th of February the Sixty-second Indiana Volunteers, which was being recruited and organized at Rockport, Indiana, was brought to New Albany and consolidated with the Fifty-third.

My husband was now colonel. William Jones was made the lieutenant-colonel, Roger Martin the major, and my brother, Thomas McGrain, Jr., the adjutant. Up to that time my brother had listened to the counsels of my father against entering the army. Satisfied it was not a war of abolition, and having a military education, he could no longer resist the pressure which was being exerted on men of his class to take up arms, in defense, as it was said, of the integrity of the Union.

Colonel Jones was killed in battle on July 22, 1864, and Major Martin soon resigned. On April 17, 1862, my brother, at the almost unanimous request of the officers of the regiment, was commissioned major of the regiment, and held that position until he left the service, May 11, 1863. Had he stayed in the army and not been killed, it was the consensus of opinion that he was fitted for, and was designed for, a higher position. But he could not stand the Emancipation Proclamation. Many others were like him, but few were so outspoken. He freely said that he did not enlist for the purpose of "fighting to free the niggers."

To have to fight to get into the army, then fight and help pay his way to stay there, that the special interests of that time should not control the government, gave Walter Q. Gresham the right which he exercised to protest against the government of the United States being administered in the '80's and '90's in the interest of the special interests of those years. But be this as it may, my husband did not hesitate to separate himself from men like Chauncey M. Depew, who in our body politic represented certain special interests. During the war my husband repeatedly said,

"What my future political course shall be, will depend on the exigencies of the times."

Instead of starting for the front at first, as the members of the Fifty-third desired, the regiment was ordered to Camp Morton, at Indianapolis, to guard part of the prisoners captured at Fort Donelson. Later it went to St. Louis and thence via the Mississippi, Ohio, and Tennessee rivers to join General Grant at Savannah, Tennessee. Its movements can best be told by some of the letters I received at this time.

HEADQUARTERS, 53D INDIANA VOLUNTEERS,
CAMP MORTON, March 1, 1862

I have been too busy even to drop you a line since I left New Albany. We had a terrible time getting up here. The superintendent of the Jeffersonville & Indianapolis Railroad had not made the necessary arrangements to transport the Fifty-third here (Indianapolis), and the consequence was that I had to crowd the boys into hay cars, with no fire, and it was very cold. I was up all night and the following night; but it never even tired me. We are now getting things in shape and I am drilling the boys all the time, in order to get them in condition to leave. There are about 1,500 troops here, all told, guarding the prisoners, who number 4,000. They are from Kentucky, Tennessee, and Mississippi. A large majority of them are clamorous to take the oath. They say they have been deceived and that they are Union men. Many of them are in earnest and many of them are not. I have but little patience for the work, and unless we leave here soon, I intend to resign. The Governor says we will be here but a short time.

CAMP MORTON, INDIANA,
March 9, 1862

I described our situation to you in my last letter. Since then the weather has been better, but it is now (Sunday evening) raining again. Owing to our exposure in coming here and the heavy guard duty we have had to perform, our men have suffered severely from sickness. The health of the camp is now improving. I have had a slight touch of my old disease since we arrived here,

but it was nothing in comparison with former attacks. I am now well.

Can't say how long we will be here, but I hope not long. The Secesh are getting fat and sleek. They get the same rations our men get. They all say they fare better here than they did even in Dixie. . . . .

PLANTERS HOTEL, ST. LOUIS,
March 15, 1862

We left Indianapolis yesterday evening and arrived here to-day about 2 P. M. I immediately reported to General Halleck for orders, and he informed me that I would proceed by steamer to join General Grant. I got my men aboard the *McDowell* this afternoon, but the boat for some cause or other will not leave till to-morrow.

We will be in the column that moves down the Mississippi. Fortunate, are we not? I was rejoiced at the idea of leaving Indianapolis. *In fact, I kept up such a fuss with the Governor that he was anxious to get rid of us.*

We are all armed with the long-range Enfield rifle. We are prepared for good work, and if I am not very much mistaken we will soon have it to do. It looks just now as though the Rebels would soon be compelled to sue for peace, but I don't expect to be at home for some time yet. Certainly there is nothing in life half so pleasant to me as the comforts of my happy home, the society of my wife and children, but I must forego all these pleasures for the present and battle for my country. I don't apprehend any danger myself, but if anything should happen me, I deliver you and the little ones over to a kind Providence. But there is no occasion for me to speak in that strain, for I expect to spend many, many years with you yet.

My men have suffered terribly ever since leaving New Albany, and their suffering is not yet over. Yesterday we were in the rain all day, and now they are huddled together as thick as cattle. Their condition distresses me not a little.

Can't say exactly what our destination is, but think we are going to Tennessee. I will try and keep you advised of our whereabouts. You can write me at Nashville, Fort Henry, and Cairo, and the letters will be forwarded. . . .

Mississippi River, On Board Steamer
"McDowell," 20 Miles above Cairo,
March 16, 1862

I wrote you yesterday morning from St. Louis that we were under marching orders for Tennessee. I know nothing more about our destination now than I did then. My orders are to report to General Grant and I don't know where he is. We will stop at Fort Henry long enough to get our wagons and then I think we will join some brigade that is marching south.

We have twelve new cases of measles since yesterday. We will put off all the sick at Cairo or Mound City. My only fear is that the men are going to suffer from sickness, for they have been terribly exposed for a week. My health was never better.

Paducah, Kentucky,
March 18, 1862

We arrived here last night and have been detained for some time by the discharging of freight. We start up the Tennessee this morning for Fort Henry. We will get our wagons and then go on to Savannah, where we are concentrating a strong force. It is said we have 50,000 men there now. We put off twenty men here who took sick after leaving St. Louis—the measles are diminishing my men fast. . . .

CHAPTER XII

THE BATTLE OF SHILOH

FIRST MEETING WITH GENERAL GRANT — GRESHAM COMMANDS POST AND BRIGADE AT SAVANNAH — GRANT'S ARMY WORSTED BUT NOT DEFEATED IN FIRST DAY'S FIGHT — GRANT PROTECTS SHERMAN — GRANT RELIEVED OF HIS COMMAND — RAWLINS' SECRET REPORTS CAUSE MR. LINCOLN TO RESTORE GRANT TO COMMAND — COURT MARTIAL OF COLONEL WORTHINGTON.

THE letters from Savannah, written before the battle of Shiloh, tend at least to establish what was General Grant's plan, and that even a newcomer like the Colonel of the Fifty-third Indiana Volunteers was admitted to the confidence of the Commander-in-Chief. Secretive as General Grant was in military matters, at that time he had all of his cards face up on the table. His headquarters were at Savannah on the north side of the Tennessee River. At Pittsburg Landing, or Shiloh, ten miles up the river on the south side, was the constantly increasing Army of the Tennessee. The plan, contrary to the opinion of the critics, and the then accepted axioms of war, was to fight south of the river. Moreover, these letters indicate that General Grant was boldly ignoring Commander-in-Chief Halleck at St. Louis and the War Department at Washington, for Halleck's instructions were to retreat rather than risk a general battle. The grasp General Grant then exhibited in the teeth of the incompetency of Halleck and the inefficiency in the War Department stamped him, at least in the eyes of one of his subordinates, as a man of force and genius. The criticism has been made that General Grant had no arrangements for a retreat in the event of

defeat. Defeat was not contemplated. These letters and some verbal statements which I will quote, make it clear that Colonel Gresham, like the great mass of the men who made up General Grant's army, believed then and ever afterwards in General Grant's plan. In other words, Grant's followers started out for the Gulf, and they believed in him because he proposed to show them the way.

The existence of the spirit or purpose of the volunteer, which General Grant, alone of all the Union commanders, seems to have divined, and which justified his plan, is revealed in these letters. On page 356 of volume 1 of his "Memoirs," General Grant said:

> He, General Buell, a strict disciplinarian, perhaps did not distinguish sufficiently between the volunteer who enlisted for the war, and the soldier who served in time of peace. One system embraced men who risked life for principle and often men of professional and official standing, competence or wealth, and independence of character. The other includes, as a rule, only men who could not do as well in any other occupation.

I quote several letters written to me by Colonel Gresham at this period:

SAVANNAH, TENN.,
March 20, 1862

We arrived here last night and are now disembarking to go into camp. We have had a long and tedious trip and the men have suffered severely from measles. My orders this morning were to proceed up the river ten miles further, but General Grant countermanded that order, in consequence of the health of the men. We will remain here a few days.

We have a large army here and the Rebels are in force at Corinth, Mississippi, some fifteen miles distant.

By reference to the map you will see that we are really operating against Memphis. The big fight will come off up here, but not short of ten days, I think, unless the Rebels bring it on. The Union feeling here seems to be strong.

We have spring here in all her loveliness. The grass is green,

flowers in bloom, and the woods full of birds. The sun is now shining, making it rather uncomfortably warm. Tom is very well and my health is fine. . . .

SAVANNAH, TENN.,
March 20, 1862

I have an opportunity to drop you another line. I wrote this morning from the *McDowell*. We are this evening in camp doing very well. You will see by the map that we are about due east of Memphis, and you will also see that there is a railroad running from Memphis, through Tuscumbia to Richmond. That road is a short distance south of us. We will take possession of it next week, and in doing that, we will have the big fight. To-morrow we commence drilling in earnest. . . .

SAVANNAH, TENN.,
March 22, 1862

A boat leaves here this evening, and I have an opportunity to send you another line. I have not heard a word from home since leaving Indianapolis, and you may imagine how anxious I am to know how you and the children are getting along.

The weather is not as good now as when I wrote you last (day before yesterday). We are having equinoctial storms, and I suppose you are having winter. Yesterday and to-day would pass for good March days in Hoosier.

I can't say how long we will be here. We have measles and mumps, and they are a great impediment in a regiment. General Grant says my men must rest a while before doing any work. He does n't require us to furnish a detail for guards. I am putting in every minute on the drill, so that my men may be in condition to do something. I think in ten days from now we will be all right again. . . .

SAVANNAH, TENN.,
March 24, 1862

I have written you almost every day since we left Indianapolis, and have not yet received a line from you or any one else from Hoosier.

The health of the Fifty-third is now improving, but we have still over two hundred sick men. One died yesterday. We have

measles and mumps too. Major Martin is now down with the mumps. . . .

The force up here is very large, and still they come. The Rebels are reinforcing from Virginia, which they can do very easily by rail.

Unless the Rebels retreat there will be a big battle in the next two weeks. There is no doubt about the result.

General Grant put me in command of the brigade at this place this morning. It consists of my own regiment, one from Illinois, and one from Missouri, and a squadron of cavalry.

The further south I go the more I am satisfied that slavery destroys the life, energy, and enterprise of the people. If slavery existed in every State of the Union, we would as a nation be miserably sluggish and stupid. It is the spirit, intelligence, and enterprise of the people of the Free States that give us any character as a nation. Outside the towns in the South the people are a century behind the Free States. . . .

SAVANNAH, TENN.,
March 29, 1862

I will continue to write though I have not yet heard a word from home since leaving Indianapolis. I am very anxious to hear from you, for I don't know what condition you and the children are in. . . .

I have just returned from Pittsburg, ten miles above here. *It is my misfortune to be caught up on court martials wherever I go.* I am on a court now, and we are trying a Missourian for "conduct unbecoming a soldier and a gentleman."

I have command at this place. My brigade consists of three regiments of infantry and three companies of cavalry. My duties as commander of the post, added to my other duties, keep me trotting all day. I would not have so much to do if my lieutenant-colonel and major understood their duties, so that I could divide the labor. I continue with Tom's aid to drill my own regiment. Tom drills the officers. The boys are improving in health. I think they will be in good condition in two weeks.

Can't say when the big fight will come off. We are getting ready for it. . . .

SAVANNAH, TENN.,
April 3, 1862

I received two letters from you the other day, one directed to me at Indianapolis, and the other at Nashville. They were a little old, but coming from home they were interesting. It was a great relief to me to know you and the children were well.

My health continues good. Even at times when almost the entire regiment was more or less affected with colds or some other sickness, I retained my health and vigor. In the army much depends on one's will. Many men die from faint-heartedness. They become slightly indisposed in the first place, then imagine they are much worse than they really are, get homesick, the system becomes relaxed, and a general prostration follows. Then again I see some men who fight disease valiantly, never give up, and when they are in a manner gone, they seem as it were to be struggling with death. In other words, the physical man is all gone, and the will is still hanging on.

The health of the Fifty-third is improving, although we have lost several men and must lose several more. You will observe we are still at the same place that we were when I wrote you last. I have command of three regiments of infantry and a squadron of cavalry.

Am very well pleased with my own regiment. Am weeding it out now. I forced two captains to resign last night. They are incompetent and I determined to be bothered with them no longer. I can't have a good regiment without good company officers, and I am determined the Fifty-third shall be A No. 1.

Captain Long makes an efficient officer. Andrew Jones is now second lieutenant in his company and he makes a most capital officer. He is a good boy and a fine soldier. Tom is my mainstay in the regiment. He is well drilled and very handy at everything. In a short time he will be one of the best officers in the service. Major Martin is getting up again. I think he will do very well when he gets a start.

It is evident that the fate of the Mississippi Valley will to a great extent be determined by that fight that will come off at Corinth. I think the Rebels will fight at that point, but there is no telling what they will do. If they are driven from their position up here, of which I have no doubt, Memphis must fall.

The weather is quite warm and summer-like here. The trees are all putting out, the woods are beginning to look green. This would be nice weather for us to make garden, if I were at home, but next spring will do as well, I hope.

General Grant has sent for a paymaster for my regiment, but he may not get here for weeks, so you had better get some money from Mr. Slaughter to supply your wants. Don't stint yourself too much. I can afford to do that better than you can.

SAVANNAH, TENNESSEE,
April 8, 1862

You will hear about the great battle at Pittsburg long before this reaches you. The Rebels attacked our forces about 5 o'clock Sunday morning, with determination and spirit. The battle raged fiercely all day Sunday, and at dark we were worsted but were not *defeated*. Sunday evening Buell's forces commenced arriving, and by Monday morning 25,000 of them were on the ground for the fight. The contest was waged with much spirit all day yesterday, but with the help of General Buell's men the enemy was driven off the field.

The fight was renewed on our left this morning, but the enemy gave way, and the news now is that he has fallen back on Corinth.

We have lost in killed and wounded from 8,000 to 10,000 men, and it may even be greater. Almost every house in this town is filled with wounded. The Rebels suffered more than we did. Their loss is estimated at not less than 15,000 killed and wounded.

It is the greatest battle that has ever been fought on this continent, and what is worst of all to me, I was not in the fight. *When the battle commenced Sunday morning, General Grant was here, and I at once went and asked permission to go up with my regiment, and his reply was that I was in command of the post and it was no time to make any change. He said I must remain here and superintend the forwarding of reinforcements.* I feel miserable beyond description, but I can't help it. It seems as if bad luck attends me. Am busy day and night here now.

General Wallace of Illinois is now in my room mortally wounded. He will die to-night. His wife is with him.

SAVANNAH, TENN.,
April 12, 1862

I wrote you after the battle and I hope you have received the letter before this, for no doubt you will be somewhat uneasy thinking the Fifty-third had a part in the fight.

You can have no conception of the amount of suffering here. Men lie out in stables, and die without having their wounds dressed. I have afforded the surgeons every facility for taking care of the wounded, but they are inefficient. They all seem to have a mania for cutting off arms and legs, and in that way pay no attention to the general management of the hospitals.

We have had confusion confounded here for a week. General Buell's army hurried ahead, leaving wagons, sick, etc., behind, —all of which is now here without commanders or anything else. I have organized the masses the best I could, and put officers selected for the time over them, and in that manner got them something to eat.

General Grant has sent me word that I would be taken away from here in a few days. My regiment stands higher for good conduct and discipline than any other regiment in the division.

There will evidently be another big fight up here soon. If the Rebels are driven from the line of the railroads now they are gone up. We will soon clean them out.

I will give you an honest account of the casualties of the battle. We have lost in killed over 2,000 men, in wounded 5,000, prisoners 3,000. That is too small, if out of the way at all. The enemy's loss is: killed 3,500, wounded 6,000, prisoners 900. If this is out of the way it is in being too small.

SAVANNAH, TENN.,
April 20, 1862

The great battle ceases to be a subject of interest here. The question now is, Where will we have another? It is hard to tell what Beauregard intends to do. I sometimes think he is going to retreat and fall back on some point further south. There is one thing certain now, and that is, he can't whip the Union army. After a few more decisive battles, the Rebels will be apt to disperse in small guerrilla bands and attempt to worry us that way. I am curious to know what your father thinks of the prospects of

the Secesh now. Does he still think we have been whipped every time; and if he does, how does he explain the fact that we are way down here in the heart of Dixie? I wonder if he will admit now that the Abolitionists, as he calls us, will fight. . . .

Supplementary to what is said in the letter of April 8, about asking permission "*to go up with my regiment*," one of my husband's stories, told with much detail, was that he made a second appeal to General Grant to let him go to Pittsburg Landing. "I followed General Grant to the boat that was always ready to take him to Pittsburg and renewed my request to go up. His answer was: 'You can't go; all my plans are made; you are in command here and must remain here. But you must urge on General Buell and his men to push forward.'"

As to the charge that General Grant had been drinking for ten days prior to April 5, my husband always maintained this was not true. Mornings and all hours of the night he reported to General Grant, from March 20 to the Sunday morning they were startled by the firing at Pittsburg Landing, and never during that time was there any trace of strong drink on or about General Grant. Furthermore, that charge must have been refuted to the satisfaction of Mr. Lincoln. Every officer who had come in contact with General Grant at this time was required to make a written statement as to when and where and under what circumstances he had seen him for the ten days prior to the battle. Without conclusions and opinions of any kind, and with no reference to the report, the details as to when and where General Grant was met and seen during this period were so complete that there was only one conclusion for the man to draw who read them. It was understood that these reports were to go to Mr. Lincoln. They were drafted pursuant to the directions of John A. Rawlins, Lincoln's close friend. The reports never saw the light of day. But they must have been conclusive, for, although the newspapers kept on with their charges against General

Grant, he was restored to his command. Rawlins was then a colonel on General Grant's staff. His biography has been in manuscript form for years, and when it is published it will reveal him as one of the strongest characters of the war.[1]

Another story my husband told frequently was that General Grant had a day or two before the attack ordered General Sherman in writing to advance his pickets, in order to guard against a surprise. This Sherman failed to do. But recovering himself, Sherman fought so valiantly the balance of the day, holding the right flank of the army south of the bridge across Snake Creek, across which Lew Wallace came after nightfall, against the repeated assaults of the Confederates, that Grant protected Sherman by deliberately suppressing the order. Rawlins and McPherson never pardoned Wallace for his delay in getting on the field, but General Grant, before his death, modified his criticism of Wallace. It was quite right for Grant to protect Sherman for ignoring Halleck and the War Department, for Grant had ordered Sherman up the Tennessee River and Sherman had obeyed. Should these two orders ever be published, they will be an interesting contribution to the real history of the war. By his scouts and spies General Grant kept posted as to the movements of the Confederate army. It is of record that Horace Bell rode out of Corinth with Hardee's advices, broke away, and reached Lew Wallace's headquarters two days before Sherman was surprised.[2]

Colonel Thomas Worthington of the Forty-sixth Ohio was a son of an early Ohio governor. General Sherman says in his "Memoirs" that Colonel Worthington was a graduate of West Point of the class of 1825, and thought he knew more about how the war should be conducted than Grant, Sherman, and all the rest of them. But General Sherman does not tell all the story. In the early Summer of 1862, Colonel Worthington, in a pamphlet that was

[1] See Chapter XXIX, especially pages 463 and 464. [2] See page 169.

widely distributed, charged that General Sherman was surprised at Shiloh. This, according to my husband, "was just the course that General Sherman preferred Colonel Worthington should take. It enabled General Sherman to arrest Colonel Worthington and try him by court martial. The charges and arrest were what Colonel Worthington expected and wished for, as he anticipated it would enable him to prove the facts as to the surprise and the existence of General Grant's order to General Sherman. A bright old army officer, Colonel Worthington was no lawyer. He did not appreciate that he would be tried for insubordination and that the truth of his charges was no justification for attacking his superior officer in the public press. The course Colonel Worthington should have taken was to prefer charges against his superior officer and thus have raised the question of surprise fairly and legitimately."

The court martial sat at Memphis in August, 1862. It was composed of Brigadier-General S. A. Hurlbut, commanding the Fourth Division; Brigadier-General Denver, Third Brigade, Fifth Division; Brigadier-General Veatch, Second Brigade, Fourth Division; Colonel Logan, Thirty-second Illinois Infantry; Colonel Mungen, Fifty-seventh Ohio Infantry; Colonel Gresham, Fifty-third Indiana Infantry; Colonel Sullivan, Forty-eighth Ohio Infantry; Colonel Grierson, Sixth Illinois Cavalry, and Captain James C. McCoy, A. D. C., Judge Advocate. Colonel Worthington was found guilty and was dropped from the rolls by an order of October 1, 1862. The order was revoked January 8, 1867, and it was then ordered that he should be honorably discharged from the service of the United States, upon tender of resignation, to date November 21, 1862.

Speaking of the trial, my husband said that the first objection made on behalf of Colonel Worthington, and argued out, was that General Sherman should not be permitted both to prefer the charges and name the court. "*I was the only member of the court to vote to sustain the objection;*[1] it seemed to me then, and has seemed ever since, contrary

[1] See page 159.

to our institutions to allow the accuser to name the court to try the accused. Other members of the court were lawyers by profession and must have known better than to vote to overrule the challenge." There is not a reference in any of the biographies or in the Rebellion Records to this trial. General Sherman was a witness before the court. In the course of his testimony, he said, according to Colonel Gresham and General Sherman:

"General Grant during the battle rode over to where I was and said, 'How is it going?' 'Bad enough, bad enough.' But looking at Grant and finding him so unperturbed, I took fresh hope. Grant said, 'We will hold our own, keeping the enemy at bay the balance of the day. At night the enemy will be in possession of our camp and in no shape to resist an early attack in the morning, when we will pounce on them and drive them pell mell.'"

I have met many Confederate cavalrymen, among them "Private John" M. Allen of Mississippi, who watered their horses in the Tennessee River the afternoon of the first day, but as Colonel Gresham said, "John, it was up the river towards the mouth of Lick Creek, four miles above the mouth of Snake Creek." At the time of this conversation John M. Allen was a member of Congress. "The first time I saw greenbacks,"[1] said "Private John," "was that early morning in General Sherman's deserted camp. We considered them shin-plasters and not worth carrying off."

To his dying day Walter Q. Gresham believed General Grant's plan, without the aid of a single man of Buell's army, would have succeeded on the second day's battle. General Grant's action in reorganizing his army under fire, as it were, and his magnanimity to General Sherman satisfied his subordinates that his leadership was invincible. George R. Peck, a distinguished lawyer, who served in another army than either the Army of the Tennessee or the Army of the Cumberland, was of the opinion that because Walter Q. Gresham was not in the battle of Shiloh his conclusions and the reasons that supported them should be made a matter of record.

[1] See Chapter XXVII, page 420.

CHAPTER XIII

CORINTH AND MEMPHIS

SIEGE AND EVACUATION OF CORINTH — MEMPHIS EVACUATED — GENERAL GRANT OPENS UP VICKSBURG CAMPAIGN — SHERMAN'S MOVEMENT DOWN THE RIVER — FOURTH OF JULY IN THE CONFEDERACY — GRESHAM DOES THE TALKING — ROBERT DALE OWEN'S LETTER TO SECRETARY CHASE ON ABOLITION — INTERNAL CONDITIONS IN GRANT'S ARMY — HOW ABOLITIONISM WAS BROUGHT ABOUT — AT COLLIERVILLE — GRESHAM DEVELOPS TYPHOID — RIFT BETWEEN GRESHAM AND GOVERNOR MORTON WIDENED.

GENERAL Grant says in his "Memoirs" (page 376), "On the 30th of April the Grand Army commenced its advance on Corinth." General Halleck was in command, while General Grant, who had not yet been restored to the position for which nature had fitted him, constituted a sort of fifth wheel to the wagon. The Grand Army was composed of the right wing, the Army of the Tennessee, commanded by General George H. Thomas; the center, the Army of the Ohio, under General Buell; and the left wing, the Army of the Mississippi, led by General Pope.

The Fifty-third Indiana Volunteers was on the left of General Hurlbut's division, the fourth of the Seventeenth army corps, which was the extreme right of the right wing or the Army of the Tennessee.

At this time my husband wrote me from the field as follows:

PITTSBURG, TENN.,
April 25, 1862

The last time I wrote we were under marching orders to this place. We came out here twelve miles from Corinth yesterday.

We disembarked at Pittsburg Landing early in the morning, and took the rain and mud. You can have very little idea of a march over bad roads, and in the rain. I was in the rain all day and now feel better than I have for a week.

We are on the front line in the advance, so you may safely count on our being in the next fight. I asked permission to bring my regiment to the front and now we must behave well.

Fields of Shiloh,
April 29, 1862

We received news of the fall of New Orleans yesterday, and when the boys were told the glad tidings, on dress parade, it would have done you good to have heard those hearty cheers.

In the Field,
May 3, 1862

We are now camped on a high ridge, affording a fine view over into Mississippi. We are still in the advance. The other day I met General Sherman, the man who was in command in Kentucky. He was very cordial. I wanted to get in his division and he was anxious for it himself, but we were not able to make the arrangement.

Camp in the Fields,
Five and a Half Miles from Corinth,
May 10, 1862

We have been moving so much for the last week that I have had little or no opportunity to write. We were ordered to be ready at 8 o'clock Sunday morning with four days' cooked rations in our haversacks. The time arrived and the Fifty-third was ready in line to march, but we were delayed by other divisions till nearly 11 o'clock, at which time it had commenced to rain. Such another day I never saw. The heavens seemed to have opened and the water descended in torrents. You can imagine what condition the roads in a swampy country would be in after thousands of wagons and horses and heavy artillery had passed

over them. We tramped along all day. Sometimes the mud was so deep that my line would mire. I let the men select the best ground they could, but they were mostly in mud from half leg to knee deep.

We camped about dark — that is, we bivouaced for the night, without tents or anything else, and took the rain. It rained incessantly all night, or more properly speaking, poured down all night. I took it for twenty hours without any covering, not even a gum blanket. I was just as wet as one could be made, and continued so until my clothes dried on my back. What is strange to me, I stood it all finely, and can really believe it did me good. I have been well ever since, so you see that what I have always told you, that "I am hard as iron," is true.

Tom stood the march well, and he is now — I almost said as ugly as ever, but I have no advantages over him in that way, for I am almost as black as any half-breed in Tennessee.

We are now close to Corinth; their pickets are in sight, and we are hourly expecting the order to go forward. Halleck is approaching slowly and cautiously; he doesn't intend to be surprised. Some think the Rebels will evacuate Corinth, but I do not. They are bound to fight now, or "give up the ghost." I feel confident we will whip them. We are on the extreme left of General Hurlbut's division, a point of danger and honor, and we intend to do our duty. What is very strange to me is the fact that the closer we get to the enemy the less apprehensions I have. So far as danger is concerned, I feel now just about the same way that I would at home with you and the children.

I am in earnest when I say that it looks as if the war was fast drawing to a close. McClellan has taken Yorktown and I think Richmond by this time. We have New Orleans, and when the enemy is driven from Corinth, what can they do? Deserters are constantly coming in, and they concur in the statement that the Rebel army is getting out of heart. They have been driven so much that they are now beginning to believe the Union army is invincible.

I think we will leave here to-night or to-morrow morning; likely in the morning, for Sunday is always a march day. I have not had a letter from you for a long time. Write often for nothing affords me greater pleasure than to hear from my wife and baby.

In the Field,
May 13, 1862

Up in line of battle at 4 o'clock in the morning. The pickets are banging away at each other all the time. Some one is killed every day. Within the next week I think we will certainly know which of the two contending armies is the superior. Our army is full of spirit and determination. If the enemy whips us they will do harder fighting than they ever have done. Yet they must not whip us. We can't afford to be whipped down here. We teach the men it is victory or death, for we could never retreat.

On the Picket Line,
May 20, 1862

Two companies' captains — Long and Daily — deployed along the brow of a hill. The enemy was in the brush just at the foot of the hill, distant about 150 to 250 yards. Young Adams of Company "B" of Clark County fell, mortally wounded. He died in less than an hour. From letters and a photograph we found on his body, we learned that he was engaged to be married. General Hurlbut then sent forward a battery supported by our brigade and we drove the enemy off. Last night we slept on our arms, ready for an attack. We could hear the cars moving and departing from Corinth just as distinctly as if we had been there.

May 22, 1862

We drove the enemy's rear guard in.

May 25, 1862

Some think the Rebels will not fight at Corinth. I think they will, and perhaps more desperately than they have any time yet.

May 27, 1862

It is not yet quite light. We are under arms every morning from 3 to 4 o'clock. Frequently we are in line at 3 o'clock in the morning and remain in that position till after daylight. We have warm days and cold nights.

This is a miserable country. I have not seen a church (excepting Shiloh Church on the battle field) or a schoolhouse since we left the Tennessee River. That of itself is enough to give you

some idea of the character of the people of Northern Mississippi. The country is not so poor, for we have passed many fine cotton farms, but slavery and intelligence never go together, and that accounts for the whole thing.

HEADQUARTERS, 53D INDIANA VOLUNTEERS
NEAR CORINTH, May 31, 1862

Well, Corinth is evacuated at last! We ascertained yesterday morning that the enemy had skedaddled, and it was not long until I had ocular proof of the correctness of the report. In company with half a dozen officers, I rode over the earthworks and went into the famous stronghold of Beauregard. There is no doubt about the strength of the enemy's position—the breastworks extended around in a semicircle for miles and miles. We rode for hours, and did not then get around them. At places it seemed that we never could have made any headway, for the works are thrown up in such a manner that we would have been forced to march over swamps and fallen trees, and all the time under the enemy's fire. His weakest position was immediately in our front, the right wing. We could have taken the works in front of us by storm, and we would have done it the day we marched out and engaged the enemy, if we had not been held back.

I wrote you yesterday about our work the day before, when we had two men killed and two wounded. Well, where we stopped Thursday night and threw up our breastworks is not more than six hundred yards from the Rebel breastworks. I thought that day, and so told General Veatch, that we ought to go further, but he was fearful of falling into a trap, and then he was acting under orders himself. I was, as the boys sometimes say, keen for a fight that day. As it was, we had a right sharp little battle.

I will now go on with a description of my journey to Corinth. We left the line of earthworks, which average a mile and a half from Corinth, and rode into town, finding it almost deserted, few families remaining. It is a town of some twelve hundred inhabitants, judging from appearances, and the most lovely looking village I ever saw. The town is new, being built up in the small oak timber, which affords fine shade. Then the yards and gardens are spacious and beautiful beyond anything I have ever seen in a

small town. Many of the homes are models. But then, the terrible ravages of war have destroyed the comfort and happiness of that hitherto quiet and gay Mississippi town.

As I approached the railroad I began to see evidence of the destruction of property that always follows the retreat of the Rebel army. All the railroad property, such as depots, machine shops, etc., were burning. Close by was a large quantity of cotton, still burning.

Where the Rebels have gone we can't tell. We learn that the army divided, the greater portion retreating south; the balance went in the direction of Grand Junction and Memphis. I suppose we will follow. It seems to be understood in the camp that the right wing of our army will go to Memphis. I hope that is true, but I don't know that it is.

June 6, 1862, Memphis was evacuated, as it was anticipated it would be in the event of the success of the expedition to Corinth; or as my husband had stated to me in the letter of March 20, from Savannah, in the event of the success of the attempt to take possession of the Memphis & Charleston Railroad. But instead of the Grand Army of 120,000 men marching immediately on Vicksburg, as General Grant says in his "Memoirs" it should have done on the fall of Corinth, leaving only enough men to garrison Corinth, General Halleck divided it up.

Fortunately for the cause of the Union, General Halleck on July 17 went to Washington as commander-in-chief, while General Grant was restored to the position of commander in the field.

"The most anxious period of the war to me," said General Grant ("Memoirs," page 395), "was during the time the Army of the Tennessee was guarding the territory acquired by the fall of Corinth and Memphis, and before I was sufficiently reinforced to take the offensive." General Grant tells us his troops were so disposed that he might move them from one point to another to reinforce as the occasion might require, and that there was much fighting, marching,

and countermarching, which was little noticed outside of the army.

The following are letters from the field at this period:

In Camp near Grand Junction,
June 21, 1862

I have but little time to write. You can see by referring to the map that we are about midway between Corinth and Memphis. We reached this place last Sunday; Monday evening we started on a forced march to Holly Springs, thirty miles distant.

My men stood the march remarkably well; better by far than any other regiment in the brigade. If you could have seen the poor fellows with the blood oozing from every toe, and never murmuring, you would have pitied them, I know. Well, the Rebels filed out just before we got to Holly Springs, and after remaining there about twenty-four hours, we took the back track and got back here Thursday about noon. I have my men so that they will go till they drop in their tracks before they will give up. When other regiments scattered their men all along the road, the Fifty-third kept together, not losing a man by the way. I am proud of my regiment, for I know they will do whatever I want them to do. Yesterday evening for the first time for nearly two weeks we got a meal.

We are now in a magnificent country; fine plantations and good water. The health of the regiment is improving amazingly. Tell Captain Long his company is getting along finely, and it is much larger than when he left. His men are very anxious for him to return. I hope he will recover his health, but I want him to stay at home until he gets well. Tell him to be patient. I will see that he has no trouble about his absence.

I don't know how you have heard that I have been sick. I have not been off duty a day since we left Indianapolis. True, at times I have not been awfully well, but I have never been sick, and now my health is very good.

LaGrange, Tenn.,
July 8, 1862

Well, we have been to Holly Springs again. We got there Sunday morning. I was then ordered to Grand Junction, about

twenty-one miles. We started about daylight and marched the whole distance by 2 o'clock. At the Junction I found the Twenty-third Indiana, or rather, six companies of it; the Twentieth Ohio, the Sixty-eighth Ohio, two batteries and one company of cavalry, with no kind of order or discipline—the soldiers every place but the right place and the officers at hotels. I at once issued an order requiring all officers and soldiers immediately to go to their respective camps and remain there except when it became necessary to leave on business. I appointed a provost marshal, gave him a strong guard, and sent him out in town to arrest the stragglers, officers and men. Believe me, I soon cleaned up the place and the citizens expressed themselves as highly pleased with my action. After that I had no trouble.

On the morning of the Fourth, a number of citizens, a large committee, called on me to know whether we would join them in celebrating the national anniversary. I promptly responded in the affirmative. In a short time they returned and said: "Possibly you can appreciate why all our speakers are just now absent." And then I saw I was in for it. They selected me to do the speaking. I could not decline and had no time to prepare, so I went at it extemporaneously. I gave them a good sound Union talk, and explained to the natives what we were fighting for, which seemed to please many of them very much. They have been taught to believe that we are all Abolitionists.

Yesterday General Hurlbut came back to LaGrange, and I was ordered to join my old brigade, and accordingly came down here yesterday evening. We are likely to remain here or somewhere else along the Memphis & Charlestown Railway until fall, unless we go to Vicksburg, which is not improbable.

The weather is very hot here now, but we have a nice breeze nearly all the time. The mercury gets up over 100 every day. My health is good; I feel fine now. I was a little unwell for a few days last week, but not to amount to anything.

I forgot to tell you that on the Fourth I dined with a right good Union man by the name of Smith. He came in the morning and invited me to come out at 3 o'clock and bring four or five of my friends with me. I took Lieutenant-Colonel Force, of the Twentieth Ohio, Major Davis, and a few others, and be assured we did justice to the table. The dinner was sumptuous.

I heard with great sorrow of the death of Captain Long, another victim of this wicked rebellion. He was patriotic, brave, and generous—there was no better man in the army. In him I have lost a true and most devoted friend, but my loss is nothing compared with that of his poor wife and children.

I am not mistaken about being able to stand this life. I have been at it long enough to know now; so much depends on a man's will. I might have been sick several times if I had consented to it. Our regiment has seen more hard service than any other regiment in this army, for the time we have been out, and while we were before Corinth we did more heavy skirmishing than any other regiment in our division.

I must get to work. Do the best you can; be of good cheer, for this state of things will not last always. When my time is out in the army, I shall consider that I am yours.

Moscow, Tenn.,
July 12, 1862

All well; not a sick man in the regiment. Every man we have marched twenty-five miles yesterday, carrying from thirty to forty pounds.

Memphis, Tenn.,
July 22, 1862

We arrived here yesterday evening, after a terrible march of four days. I had four or five cases of sunstroke in my regiment, but fortunately they all recovered. We were more fortunate than many other regiments. The Fifty-third Illinois had three men fall dead in their tracks day before yesterday.

Daily letters came urging me to come to Memphis. In response, I started, going by river on a through boat. It was early in the morning when we landed at Memphis, and my husband was there to meet me. We went to the Gayoso House, which was then a good hotel.

It was there that I first met both General Sherman and General McPherson. General Sherman's greeting was warmth itself. He told me how my husband delighted him when he came to report to him the year before at

Muldrough Hill, Kentucky.[1] General Sherman introduced me to General McPherson as, "Mrs. Gresham, the wife of one of my best Kentucky colonels." Silent and taciturn, McPherson was the antithesis of Sherman in temperament.

The talk was of Grant and Vicksburg. And the man next most talked about was Colonel John A. Rawlins, General Grant's chief of staff. Almost forgotten by the present generation, when the real history of the war is written Rawlins will be one of its most prominent characters. Certainly they were going to clean the country to the Gulf of armed resistance. There may have been doubt and uncertainty at Washington and in the Army of the Potomac, as it is recorded, but the men I met then and afterwards believed that as sure as the sun shone they would succeed. They all believed in General Grant's ability to lead them. I heard then how McPherson was General Grant's superior in military learning and engineering, and yet depended absolutely on Grant's judgment and executive ability.

It was during this visit that Walter Q. Gresham was serving on the general court martial that was then sitting at Fort Pickering.[2] The camp of the Fifty-third was out of Memphis a short distance. I ate the army meals and made cake in the camp, but only enough for a taste, as one officer said.

The Gayoso House was crowded with men, so we went to board with a Mrs. Fackler, who had a fine residence in the best part of the city and not far from the camp of the Fifty-third. She gave us elegant dinners. Her husband, who, it was said, had served on Albert Sidney Johnson's staff at Shiloh, was then a colonel in the Confederate army. She was an accomplished, refined woman, with several small children. She took me to the stores to get some needed summer clothing and treated me as a guest.[3] We discussed everything that women do, but one subject we avoided,—

[1] See page 158. [2] See page 184.

[3] In a letter of August 20 from Memphis, Colonel Gresham says: "I have not seen Mrs. Fackler since you left, but I will see her soon on your account."

that was the *War*. One object she had in keeping boarders was the protection the presence of Federal officers afforded. Aside from ourselves there were several officers and their wives with her. Many Confederates foolishly abandoned Memphis, and their houses were sacked. While we were at Mrs. Fackler's, the house next door, whose owner had abandoned it, was occupied by a lieutenant and much destruction was done to the contents. I was visiting camps and enjoying myself when in ten days my visit was cut short by the regiment being ordered to Bolivar.

No one could hear the officers talk and feel their force and power without sharing something of their conviction and enthusiasm which went down to the men, the "boys" in the ranks. I made no mistake in my estimate of the men of the Army of the Tennessee that I met on that trip to Memphis. When I reached home I told my father what I had heard and seen, and that henceforth I would bet on the Union. I was always something of a speculator on the safe side.[1] I astonished him when I said, "My savings, which I hope and pray I will never need, will go into government bonds." And he was still Irish enough to see the humor when I asked him if he still thought one Reb was equal to five Yanks, and if he thought that Abolitionist husband of mine would fight.

September 15, 1862, my first letter came from Bolivar. It told of a march of 90 miles, a roundabout way, averaging 18 miles a day. "Good marching through the heat and dust." I received many letters from Bolivar. The Twenty-third Indiana was there. "I got a paper yesterday, the first since I left Memphis," wrote Colonel Gresham. "The Rebels are having a good time just now. Pope is a miserable humbug. I predicted disaster when he was put in command in Virginia. Our soldiers are very much chagrined at our recent bad luck. They are clamoring to be led against the enemy. All they want is to be allowed to fight."

[1] See page 634.

It was while the Fifty-third Indiana was at Bolivar, Tennessee, that the victories in the open in September over the commands of Generals Van Dorn and Price, and the failure of the attack of Van Dorn, Price, and Villespique on Corinth, October 4, 1862, left General Grant free to open up his Vicksburg campaign down the Mississippi Central Railroad through the center of the State. But this movement General Grant says was a feint. The real movement was led by General Sherman and was by steamboats down the river. This joint movement, which General Grant inaugurated with half the men General Halleck had May 31, 1862, when Corinth fell, began November 2, 1862.

But progress was slow. With General Grant's army was the Fifty-third and its Colonel. Under date of November 5, letters began to come from the old camp near LaGrange, Tennessee. There was criticism of the delay.

> I still believe the Union will be maintained in spite of all the blundering of commanding officers. . . .
>
> We have an army concentrated at this place large enough to whip anything in front of us. Our supplies are brought over the Mobile & Ohio Railroad, that being the only road now open to us. The road from here to Memphis, 44 miles, is being repaired. When it is opened there will be but little trouble experienced in feeding the army. It is 160 miles by rail to Columbus, Kentucky. There is not enough in this county to subsist an army if supplies from home were cut off. You can have no idea of the destructive effects of war until you see it with your own eyes. There never was a people in the world who rushed so madly and blindly upon their own destruction as those of the South have done.

At LaGrange Colonel Gresham made the acquaintance of Mrs. Clay and her daughter, cousins of the Rebel senator from Alabama. "Mrs. Clay is a widow with three sons in the Rebel army. She and her daughter live close to our camp. They are strong Secesh."

The following letters from my husband are of interest at this point:

NEAR LAGRANGE, TENN.,
November 26, 1862

I was attacked last Saturday with what the doctors call bilious pneumonia. I was quite sick for a while but am much better now, and expect to be out again soon. I remained in camp until Monday, when the boys removed me to a private house close by — that of the Widow Clay, as she is called here. Since yesterday morning I have been able to sit up part of the time, and now I am feeling quite well with the exception of soreness in my right lung.

The pain was very severe Saturday night, Sunday, and Sunday night. I found great relief this time in severe cupping and blistering. I should have stated that I was taken with a chill which was followed by fever from which I was not relieved until yesterday. Although I am not looking and feeling as well as I would like, still I am not looking half so bad as you would be apt to imagine.

I have written you the honest truth about myself for I want you to know that you can depend on what I say. Dr. Slaughter is a most excellent physician; he has been very kind to me, and has been with me ever since I left camp. Mrs. Clay is very kind to me; in fact, I think she is one of the noblest women I ever met. She has taken as much interest in nursing me and having it done as if I had been her son, notwithstanding, as I have before written you, she has three sons in the Rebel army, and she is as strong Secesh as Mrs. Slaughter is Union. Her daughter is as charming as ever. She is playing the piano now.

Dr. Slaughter has just come in and informed me that he has learned that we will likely be on the move by the last of the week. Our destination will probably be Holly Springs, where we will remain until General McClernand starts down the Mississippi with his expedition.

Dr. Slaughter has just come in again with word that our brigade has orders to march this morning. I can't go as soon as that and don't think any such orders have been issued. I could not get home should I try; so be contented. I am doing well.

HEADQUARTERS, 53D INDIANA VOLUNTEERS,
LUMPKINS MILLS, MISS., December 3, 1862

We are now ten miles south of Holly Springs. The regiment started from LaGrange Friday morning about daylight. Not being entirely well I remained behind until 1 o'clock and then broke away and caught up. We arrived here Sunday evening, and will move on in the morning. A portion of our forces are now at Tallahatchie, the Rebels having fallen back after feeble resistance. They are now retreating down the Mississippi Central Railroad in the direction of Granada. It is supposed they will make a stand at Grenada or some other point south of us. I am unable to understand why they did not give us battle at Tallahatchie River. Thus far there has been nothing serious attending our advance — some skirmishing, and we have taken a few hundred prisoners. Grant has the flower of the West, a much larger army than you imagine. Sherman has joined us from Memphis, and it is reported in camp, and I suppose it is true, that Steel has joined us from Helena.

I have entirely recovered from my attack at LaGrange, and am feeling fine again. I am always well when on the march. An effort was made to get me to remain at LaGrange on account of my health, but I could not stand it to stay back when the regiment was advancing. I have improved every day since I left LaGrange. Hope we will see the waters of the Mississippi by Christmas. We are all in fine spirits and much elated at the prospects of getting farther down into the heart of Dixie.

HEADQUARTERS, 53D INDIANA VOLUNTEERS,
LUMPKINS MILLS, MISS., December 5, 1862

We have been here longer than I supposed we would be. We may move any day and we may not move for a week. We are ready to pull out any hour. December thus far has been anything else than pleasant, although we are in the "Sunny South." I don't remember having ever seen worse weather in Indiana than we have had here for the last few days. With the exception of one day it has been almost constantly raining, blowing, and snowing. It has cleared off this evening and I hope we will get some sunshine.

I have entirely recovered from the attack at LaGrange. I believe I wrote you about the kind treatment I received from Mrs. and Miss Clay. I shall never forget them. When I left to join the regiment they tried hard to induce me to remain longer. I confess there was considerable hesitancy, but my sense of duty overcame my love of ease and I left their pleasant and hospitable home. Miss Clay gave me a letter to some of their friends in Holly Springs but we did not stop there long enough for me to deliver it. I would send it to you but I may present it yet.

You speak of having a discussion with Mr. Slaughter about abolitionism and about being displeased with Mr. Pike for preaching an abolition sermon. I fear you are influenced more by your prejudice on that subject than you are by your good sense.

Abolitionism that is now synonymous with everything that is not pro-slavery, is the great monster that frightens conservatives out of their property. I am fast coming to the conclusion that none of us will ever be permitted to enjoy peace as long as slavery lasts. As long as slavery lasts the people will disagree and quarrel, and that they can't do without fighting. The truth is, slavery is wrong, and the moral and Christian sentiment of the civilized world condemns it. The Northern people believe it is wrong, and so will continue to fight and denounce it.

We can already clearly see one thing as the result of this war and that is the doom of slavery. I advise you to think a little on the subject, and the better to enable you to arrive at a correct conclusion I recommend you to read Robert Dale Owen's letter to Secretary Chase. Ask Mr. Slaughter for a paper containing the letter.

Mr. Slaughter procured me a paper containing Mr. Owen's letter, which was dated November 10, and published in the New York *Evening Post*, November 22, 1862.[1] This

[1] To the Hon. Salmon P. Chase, Secretary of the Treasury. New York, November 10, 1862

Sir: In briefest terms I state the propositions which, as the subject of our recent conversation, I promised to reduce to writing.

What are the reasonable hopes of peace?

Not, that within the next fifty days the South, availing herself of the term of grace offered in the President's proclamation, may, to save her favorite institution, return to her allegiance. Let us not deceive ourselves. There are no conditions, no guarantees—no, not if we proffer

letter and two that preceded it — the first addressed to Secretary Stanton, July 23, 1862, published first in the New York *Evening Post*, August 8, 1862; the second, addressed and handed to Mr. Lincoln September 17, and printed in the New York *Tribune*, October 26 — were printed in pamphlet form and sent broadcast throughout the army. The

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a blank sheet on which to set them down, with unrestricted pen, in her own hand—under which she will consent to reunion, except in one contingency—conquest, more or less complete by force of arms.

Are we likely to obtain peace by conquest?

In search of an answer, let us look closely at a few statistical facts. By the census of 1860, the number of white males between the ages of eighteen and forty-five, is, in the loyal States, about 4,000,000; and in the disloyal States about 1,300,000; a little upwards of three to one. The disproportion seems overwhelmingly great.

But this calculation, as a basis of military strength, is wholly fallacious, for it includes persons of one color only.

Out of the above 4,000,000 the North has to provide soldiers and (with inconsiderable exceptions, not usually extending to field labor) laborers also.

But of the 3,500,000 slaves owned in the Rebel States, about 2,000,000 may be estimated as laborers. Allow 300,000 of these as employed in domestic services and other occupations followed by women among us, and we have 1,700,000 plantation hands, male and female, each one of which counts against a Northern laborer on farm or in workshop.

Then, of that portion of population whence soldiers and outdoor laborers and mechanics must chiefly be taken, the Northern States have 4,000,000 and the Southern States 3,000,000.

Supposing the negroes all loyal to their masters, it follows that the true proportion of strength available in this war—that is, of soldiers to fight and laborers to support the nation while fighting—may fairly enough be taken at three in the South to four in the North.

Under this supposition of a South united, without regard to color, in an effort for recognition, shall we obtain peace by subduing her? If history teach truth, we shall not. Never, since the world began, did 9,000,000 of people band together, resolutely inspired by the one idea of achieving their independence, yet fail to obtain it. It is not a century since one-third of the number successfully defied Great Britain.

But let us suppose the negroes of the South loyal to the Union instead of to their masters; How stands the matter then?

In that case, it is not to a united people, but to a confederacy divided against itself, that we are opposed; the masters on one side; the laborers, exceeding them in number, on the other.

Suppose the services of these laborers transferred to us, what will then be the proportion, on either side, of forces available, directly or indirectly, for military purposes?

As about five and three-fourths to one and a third; in other words, nearly as nine to two.

Such a wholesale transfer is, of course, impossible in practice. But in so far as the transfer is possible, and shall occur, we approach the above results.

How much wisdom, under these circumstances, is there in the advice that we should put down the rebellion first and settle the negro question afterwards? What shall we say of their statesmanship, who, in a war like this, would leave out of view the practical effects of emancipation?

On the other hand, however, it is to be admitted that African loyalty in this war will little avail us, if we have not good sense and good feeling enough properly to govern the negroes who may enter our lines.

To render their aid available, in the first place, we must treat them humanely, a duty we have yet to learn; and secondly, both for their sakes and for our own, we must not support them in idleness. Doubtless, they are most efficient as laborers, as domestics in camp, as teamsters, or employed on intrenchments and fortifications, or in ambulance corps, or as sappers and miners; or, as fast as Southern plantations shall fall into our possession, as field hands.

second preceded Mr. Lincoln's preliminary emancipation by five days. These three letters, most admirable in style and among the most remarkable productions of the war, may have been a factor in producing conviction in Mr. Lincoln's mind; for it was a long way from declaring before the world, as he did in his inaugural address, that he was

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But if all these posts become overfilled, better do away with the necessity for further draft in the North by putting muskets in the hands of able-bodied men, colored differently from ourselves, than to delude their ignorance into the opinion that among the privileges of freedom is food without work.

Have we philanthropy and discretion enough wisely to administer such a change of system? Possibly not. Administrative capacity in public affairs is not our strong point. We would do well to bear in mind, however, that without such capacity not this war only but our entire governmental experiment, will prove a failure at last.

Do other objections hold against the plan? Does humanity forbid us to accept the aid of an enslaved race? In so far as humanity can ever enjoin war at all, she enjoins the employment, by us, of the African in this struggle; first, because his employment may shorten, by years, the fratricidal struggle; and then because, if he is not permitted to assist in civilized warfare under us, and if, without his aid, we fail to effect his liberation and thus disappoint his hopes, he may be overtaken by the temptation to seek freedom and revenge in his own wild way.

In accepting the liberated slave as a soldier, we may prevent his rising as an assassin. By the creation of negro brigades we may avert the indiscriminate massacres of servile insurrection.

Or is there an insuperable difficulty of caste in the way? In a contest likely to eventuate in securing to another race than ours the greatest of temporal blessings, are we determined to shut out that race from all share in its own liberation? Are we so enamored of the Moloch, War, that we will suffer none but our sons to pass through the fire? Terrible penalty to pay, with life and death at stake, for a national prejudice against the Southern pariah!

As to the duty of our rulers in the premises, I cannot see according to what principle of ethics a government charged with the lives of millions, the putting down of a gigantic rebellion, and the restoring of tranquillity to the land, has the right, in the hour of its utmost need, to scorn a vast element of strength placed within its reach and at its disposal; nor why, if it refuses to avail itself of such an element, it should not be held responsible for the lives it sacrifices and the hopes it blights.

But we need emancipation far less for the material aid it affords—great, even indispensable, though it be—than because of other paramount considerations.

We have tried the experiment of a Federal Union, with a free-labor system in one portion of it and a slave system in another, for eighty years; and no one familiar with our affairs for a quarter of a century past is ignorant that the result has been an increase—embittered year by year in ever-accelerated ratio—of dissensions, of sectional jealousies, of national heart-burnings. When eighteen months since, these culminated in war, it was but the issue which our ablest statesmen, looking sorrowfully into the future, had long since foretold. But if while yet at peace, and with all the influence of revolutionary reminiscences pleading the cause of Union, this diversity of labor systems producing variance of character and alienation of feeling, proves stronger to divide than all past memories and present interests to unite, what chance is there that its baneful power for evil should cease now, when the thoughts of fancied injuries in other years are added to the recollections of the terrible realities enacted on a hundred bloody battlefields from which the smoke has scarcely passed away?

None—the remotest!

A suspension of hostilities we can purchase; a few years' respite, probably, in which to return to our money-getting before the storm bursts forth anew with gathered force; but if we look beyond selfishness and the present; if our children are in our thought; if we are suffering

willing that slavery should be made express and irrevocable in the Constitution, to issuing a conditional emancipation proclamation. Long before the people and the politicians in the rear, the Democrats in the ranks almost without exception — my brother, Major Thomas McGrain, was one of the exceptions — adopted emancipation as a war measure.

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and expending now that they in a land of prosperity may live and die in peace, then must we act so that the result shall endure. We must not be content to put off the evil day. The root of the evil—the pregnant cause of the war—that must be eradicated.

Report has it that a western politician recently proposed, as the best solution of our difficulties, the recognition of slavery in all the States. Such an idea has a basis of truth; namely, that a state of war is among us, the necessary result of conflicting labor systems. Such an idea might even be carried out and lead to peace, but for that progressive spirit of Christian civilization which we dare not openly outrage, howsoever imperfectly we obey its humane behests.

There are a thousand reasons—geographical, commercial, political, international—why we should not consent to a separation into two confederacies; it is a contingency not to be thought of or entertained; but if we look merely to the conditions of lasting peace, the chance of maintaining it would be far better if the independence of the South were to be recognized with her negroes emancipated, than if she were to return to her allegiance retaining her slave system.

For in the former case, the cause of dissension being uprooted, the tendency would be to reunite, and a few years might see us a single nation again; while, in the latter, a constantly active source of irritation still existing, three years of breathing time would not elapse without bringing endless quarrels and a second rebellion.

Conceive reunion with slavery still in existence. Imagine Southern sympathizers in power among us offering compromises. Suppose the South, exhausted with military reverses and desiring a few years' armistice to recruit, decides to accept it under the guise of peace and reconstruction? What next? Thousands of slaves, their excited hopes of emancipation crushed, fleeing across the border. A fugitive slave law revived by peace, demanding their rendition. Popular opinion in the North opposed to the law, and refusing the demand. Renewed war the certain consequences.

Or take even the alternative of recognition—recognition of an independent Confederacy, still slave-holding. Are we, then, becoming the sole exception among the nations of the earth to make ourselves aiders and abetters of the slave system of a foreign nation, by agreeing to return to her negro refugees seeking liberty and an asylum among us? National self-respect imperatively forbids us. Public sentiment would compel the rejection, as a base humiliation, of any proposed treaty stipulation providing for rendition of runaway slaves. Yet the South would regard such rejection in no other light than as a standing menace—a threat to deprive her of what she regards as her most valuable property. Coterminous as for hundreds—possibly thousands—of miles our boundaries would be, must not the South, in common prudence, maintain all along that endless border line an armed slave police? Are we to consent to this? And if we do, shall we escape border raids after fleeing fugitives? No sane man will expect it. Are we to suffer these? We are disgraced. Are we to resent them? It is a renewal of hostilities.

State elections may go as they will. Their results can never change the fact that any party obtaining the control of the government and adopting the policy that the settlement of the emancipation question is to be postponed till the war shall be closed—not even by accepting a shameful disruption of our country.

But if emancipation is to avail us as a peace measure, we must adopt it boldly, resolutely, effectually. It must be general, not partial; extending not to the slaves of Rebels only, but to every slave on this continent. Even if it were practicable—which it is not, with slavery non-existent in the Northern States and abolished in those which persist in rebellion—to maintain

Two captains of the Fifty-third Indiana stood out with him. It took more courage to do this, encouraged though they were from the rear, than to go up against a Rebel battery. He argued against it, quoted Mr. Lincoln's inaugural address, the pledges made to the Kentuckians in 1861, that it would not be made an Abolition war, and tendered his

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it in the narrow border strip, it is precisely there, where negro fugitives can the most readily escape, that its maintenance would the most certainly lead to war.

Can this great peace measure be constitutionally enacted?

A proclamation or (the more appropriate form) an act of General Emancipation, should, in its preamble, set forth in substance that the claims to service or labor of which it deprives certain persons having been proved by recent events to be of a character endangering the supremacy of the law, jeopardizing the integrity of the Union, and incompatible with the permanent peace of the country, are taken by the government, with just compensation made, under circumstances far less urgent than these, the law or custom of civilized nations, based on considerations of public utility, authorizes such taking of private property for public use. We ourselves are familiar with its operation. When a conflagration in a city threatens to spread far, houses in the line of its progress may legally be seized and destroyed by the authorities in order to arrest it; and the owners are not held to have been wronged if they are paid for such losses under an equitable appraisement. But it is not the existence of part of a city that is now endangered; it is the integrity of one among the first powers of the world that is menaced with destruction.

The truth of the preamble suggested has become, in my judgment, incontrovertible. It will receive the assent of an overwhelming majority of the people, of the loyal States. The public sentiment of Europe will admit its truth.

Let us confess that such preamble, as preface to act or proclamation, could not have commanded the assent of more than a small fraction of our people only two short years ago—two years, as we reckon time; a generation, if we calculate by the stirring events and far-reaching upheavals that have been crowded into the eventful months. In such days as those abuses ripen rapidly, their consequences mature, their ultimate tendencies become apparent; we are reminded of their transitory character. We are reminded that although for the time, and in a certain stage of human progress, some abuses may have their temporary use, and for this, under God's economy, may have been suffered to continue; yet all abuses have but a limited life. The right only is eternal.

The rebellion—teacher and creator as well as scourge and destroyer—by sternly laying bare the imminent dangers of slavery, has created the constitutionality of emancipation. It has done more. It has made emancipation a bounden political duty as well as a strictly constitutional right.

Can we, in declaring emancipation, legally avoid the payment, say of two hundred millions, in the shape of compensation to loyal slaveholders?

Not if a slaveholder's right to service and labor from his slaves, when not forfeited by treason, is legal. On humanitarian grounds the legality of that right has been denied. But a construction of the Constitution adverse to such denial, and acquiesced in by the nation throughout more than two generations, is held by most men to be reason sufficient why the right in question should be regarded as private property. If it be private property, then except by violating the fifth article of the amendments to the Constitution, it cannot be taken for public use without just compensation. To violate any article of the Constitution is a revolutionary act; but such acts cost a nation more than a few hundred million dollars.

The risk that a future decision of the Supreme Court might declare emancipation without compensation to be unconstitutional, is of itself sufficient justification of the President's policy, corresponding to the above suggestions in this matter.

Such compensation will be unpopular with many. Wise and just acts, when they involve sacrifices, frequently are. A wrong, long tolerated, commonly entails a penalty, which is

resignation because he had enlisted to save the Union, not to free the negroes. But the logic of events was more potent than any former utterances of the President. The war, as my husband afterwards said, was legislating.[1] Possessing moral courage of the highest type General Grant was

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seldom cheerfully paid. Yet, even on other grounds, we ought not in this case to begrudge the money. Who deserve better of their country than those brave men who, in the border and other slave States, have clung to their loyalty through all the dark hours of peril even to life?

Precautions naturally suggest themselves against false pretenses of loyalty. It seems expedient that he who shall have proved that he is the legal owner of certain slaves, and also that he has ever been loyal to the Union, should receive a certificate of indebtedness by the government, not transferable, to be paid at some fixed time subsequent to the termination of the war; payment being made contingent on the fact that the claimant shall not, meanwhile, have lapsed from his loyalty.

Every such claimant, once recognized, would feel himself to be, by his own act, the citizen of a Free State — one of us, detached forever from the Southern league. A government stockholder, he would become pecuniarily interested in the support of the government and the restoration of peace.

The legislatures of the border States may not initiate such a policy, but the loyal men of these States will accept it. Such a measure does not involve expense in conveying the liberated negro to other countries. It has hitherto, indeed, been the usual policy in Slave States to discourage as dangerous the residence there of free blacks; and hence an idea that colonization should be the concomitant of emancipation. Of general emancipation there is no need whatever that it should be. Those who take up such an idea forget that the jealousy with which slaveholders regard the presence of free negroes spring out of the dread that these may infect with a desire for freedom the slaves around them, thus rendering them insubordinate. But when all are free there will be no slaves to incite, not any chains to be broken by resort to insurrection.

It is no business of ours either to decide for the liberated negro where he shall dwell, nor to furnish his traveling expenses. Freemen, black or white, should select their own dwelling place and pay their own way.

As to the fears of competition in labor sought to be excited in the minds of the northern workingman, they have foundation only in case emancipation be refused; for such refusal would flood the North with fugitives. If, on the contrary, emancipation be carried out, the strong local attachments of the negro will induce him, with rarest exceptions, to remain as a hired laborer where he worked as a slave. Thus humane masters will not lack sufficient working hands, of which colonization would deprive them. And if, notwithstanding the probable rise of Southern staples, profits, at first, should be less, the security of the planter will be greater. He will no longer lie down at night uncertain whether the morning's news may not be that his slaves have risen against him.

This is the paper view of the question. But all edicts, all proclamations, how wise and righteous soever, are but idle announcements now, if we lack courage and conduct to enforce them.

Courage we have. Raw levies have behaved like veterans. The skeletons of regiments, reduced to one-tenth their original number, attest the desperate valor with which they confronted death. Not with the rank and file is the blame! The leading! There has been the secret of failure.

With all the advantages of a just cause over our enemies, we have suffered them to outdo us in earnestness. We lack the enthusiasm which made irresistible the charge of Cromwell's Ironsides. We need the invincible impulse of a sentiment. We want, above all, leaders who know and feel what they are fighting for. This is a war in which mercenaries avail not. There must be a higher motive than the pay of a Swiss—a holier duty urging on than the professional

[1] See page 471.

rated a fatalist. "*Unconditional and immediate surrender*[1] anticipated the men in the cloister and was abolitionism[2] pure and simple. General Grant says he was pledged to vote for Stephen A. Douglas in 1860.[3] I read Mr. Owen's letter with great interest. Still it did not entirely remove

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pride or the blind obedience of a soldier. By parliamentary usage a proposed measure is intrusted, for fostering care to its friends. So should this war be. Its conduct should be confined to men whose hearts and souls are in it.

Again. It has long been one of our national sins that we pass by, with scarcely a rebuke, the gravest public offenses. We utterly fail in holding to a strict accountability our public men. The result of such failure, in peace had almost escaped our notice. In war we have now beheld its effects, flagrant and terrible. It was not to be expected that among so many thousands of officers suddenly appointed there should not be some hundreds of incompetents. Such things must be. No one is to blame, if, in field and garden, weeds spring up. The blame rests with him who leaves them there to choke the crop and cumber the ground.

Accountability — that should be the watchword — accountability, stern, unrelenting! Office has its emoluments; let it have its responsibilities also. Let us demand, as Napoleon demanded, success from our leaders. The rule may work harshly. War needs harsh rules. Actions are not to be measured in war by the standard of peace. The sentinel, worn by extreme fatigue, who sleeps at his post, incurs the penalty of death. There is mercy in courts martial — drum-head courts martial. A dozen officers shot, whenever the gravity of the offense demands it, may be the saving of life to tens of thousands of brave men.

Eighteen months have passed. Eight hundred millions have been spent. We have a million of armed men in the field. More than a hundred thousand rest in soldiers' graves. And for all this, what result? Is it strange if sometimes the heart sinks and resolution fails at the thought that, from sheer administrative infirmity, the vast sacrifice may have been all in vain?

But let the past go. Its fatal faults (difficult perhaps to avoid, under an effort so sudden and so vast) can never be recalled. Doubtless they had their use. It needed the grievous incapacity we have witnessed, the stinging reverses we have suffered, the invasion even of Free States we have lived to see commenced.

It needed the hecatombs of dead piled up unavailingly on battlefield after battlefield; the desolate hearth, the broken-hearted survivors; it needed all this to pave the way for that emancipation which is the only harbinger of peace.

The future! That is still ours to improve. Nor, if some clouds yet rest upon it, is it without bright promise, signs of recent activity, energy, and a resolution to hold accountable for the issues the leaders of our armies, are daily apparent. Better than all, the initiative of a true line of policy has been taken. The 23d of September has had its effect. The path of safety is before us; steep and rugged, indeed, but no longer doubtful nor obscure. A lamp has been lit to guide our steps—a lamp that may burn more brightly before a new year dawns upon us. The noble prayer of Ajax has been vouchsafed in our case. At last we have light to fight by.

We shall reach a quiet haven if we but follow faithfully and perseveringly that light.

There is, at this moment, in the hearts of all good men throughout the length and breadth of the land, no deeper feeling, no more earnest longing, than for peace; peace, not for the day, not to last a few years, but peace as a foundation of rock, for ourselves and for our children after us. May the hearts of our rulers be open to the conviction that they can purchase only a shambling counterfeit except at one cost. God give them to see, ere it be too late, that *The Price of Enduring Peace is General Emancipation.*

I am, Sir, Your obedient servant,

ROBERT DALE OWEN.

[1] General Grant to General Buckner, Feb. 16, 1862; see pages 463–64.

[2] See pages 69, 92, 94 and 142. [3] Grant's "Memoirs," page 172. See pages 117–18.

my prejudice. I went back at my husband about that Fourth of July meeting at LaGrange, Tennessee, in which he said he was not an Abolitionist, and about Mr. Lincoln's first inaugural address, but in the end I came to it. No less remarkable than the letters was their author, Robert Dale Owen, and if Mr. Lincoln selected him as the means of first putting his war views before the public, he could not have planned better. Meantime, the bombardment Wendell Phillips and the Abolitionists renewed, produced conviction in the executive mind that was working that way. I have made mention of Robert Dale Owen as a Democratic member of Congress. He had represented our government at the Neapolitan court up to the breaking out of the war. As a member of the Indiana Constitutional Convention in 1850, he had fought for the enfranchisement of woman from the barbarism of the English common law which had been previously adopted as part of the organic law of Indiana. Gifted as he was and varied in experience, his words commanded attention from the time they were uttered.

General Grant says in his "Memoirs" (page 428), that the main body of his troops reached Oxford, and that 17 miles south of Oxford was as far as any of the troops under the command of General McPherson, advanced. Doubtless General Grant knew what he was doing, although, as appears from the letters, Colonel Gresham at times was under a different impression. These letters show, whatever may have been his purpose, why General Grant took the "back track." Meanwhile General Sherman failed to take Vicksburg. A Confederate Captain Bowie, whom I afterwards met and who was in Pemberton's army which retreated before Grant's advance, says Grant should have done as he did later — cut loose from his supplies, live off the country, and besiege Vicksburg from the rear, with Sherman in the front. The Fifty-third Indiana reached almost the farthest point south that any of Grant's troops went.

Colonel Gresham wrote me from the field as follows:

CAMP IN FIELD, SOUTH OF OXFORD, MISS.,
December 14, 1862

We arrived here last night after a hard day's march. The men fell out and straggled along the road by hundreds, but not so with the Fifty-third. Our men carried knapsacks, guns, cartridges, haversacks, one day's rations, and a canteen of water, and marched twenty miles. We are 546 strong and only three men taking medicine, and they are not so sick but that they could march. We still have some men back at LaGrange. When we went into camp our men were all up but three. I wrote from Waterford Thursday morning just as we were starting on the march. We are now thirty-five miles south of Waterford. Oxford is a beautiful country town, a little larger than Corydon. We will likely be here two or three days as we draw our supplies thirty miles from the railroad. The cars will run up to Oxford in a few days and then we will move on. The weather is warm and pleasant. Our men are all well. My health is good.

I am going to ride over to our right to see some Hoosier regiments that came across the country from Memphis with General Sherman. The Hoosiers are great friends down in Dixie. They will divide anything in the world with each other, even to their clothes.

I am not able to say when the Rebels will make a stand in Mississippi, if indeed they do at all. Some think they will fight at Grenada, others think they will make no stand short of Jackson, and still others think they will not make a stand anywhere in the State. You will know in twenty or thirty days.

IN CAMP, SIX MILES FROM OXFORD, MISS.,
December 23, 1862

You have doubtless heard ere this of the Rebels getting in our rear, capturing small detachments,—some of them not so very small—tearing up the railroad, and destroying bridges. That is all we know, and that is enough, but we would like to know something more of the particulars. I don't know whether our movement down here was a ruse or whether General Grant has been outwitted, but I am inclined to believe the latter.

It is understood here that Bragg has succeeded in eluding the vigilance of Rosecrans and that a large portion of his force

are now north of us; that a portion of Bragg's force took Holly Springs and other places along the railroad. I don't know whether Rosecrans is moving down after Bragg or not, but I suppose he is by this time. It looks to me now as though the Rebels made a feint on Jackson, Tennessee, and induced General Grant to divide his army down here, sending a portion of it to reinforce Jackson, and when they had succeeded in that they came in on Holly Springs and destroyed the road, thereby dividing our army, and cutting off from our supplies those of us who are left down here. We have rations with us to do ten days, and there is subsistence in the country, so we are in no danger of starving. What we will do now I can't say. I don't even know where we are going.

Yesterday morning the whole army marched from our camp ten miles south of Oxford. We had orders last night to move on this morning at 6 o'clock, but before we got on the march, the orders were countermanded.

If Rosecrans is not following Bragg, we will have some hot work, for the army that we drove before us as we advanced south joined to Bragg's, or rather attacking us simultaneously with Bragg, will be able to amuse us, I fear, to our satisfaction. But we have a good body of men and they will not be whipped easily.

You will be apt to know the result of this sudden change of affairs before you receive this letter.

Don't be uneasy about me, for I am in fine health and spirits, not the least depressed. I shall await future developments with patience. Would not be surprised if we turn up at Corinth in six or seven days.

We only know that Burnside is engaged with the Rebels. Suppose you have known the fate of the Army of the Potomac for several days. I have more anxiety about matters in Virginia than I have about our own position.

I give here an interesting letter from my husband, written at the beginning of 1863:

Camp at Lumpkins Mills, Miss.,
January 3, 1863

The blockade is at last raised. Since the Rebels destroyed our communications to the north I have been ignorant of what

transpired outside of our lines. I was at Holly Springs yesterday and learned that General Burnside had fallen back and taken a position on the north side of the Rappahannock again, which I interpret thus: that he attacked Lee near Fredericksburg and got decidedly whipped. I have not seen a paper later than the 15th of December, but our communication (by rail) with Memphis is now open and I suppose we will soon know something of what has been transpiring during the time we have had no communication with the North. For a while we expected to be attacked every hour, and to tell the truth we did not care much whether the Rebels attacked us or not. We have passed the time much better than you would suppose. For my own part, aside from my anxiety about you and the children, I have put in the time very well. The weather has been fine, such as we have in Indiana in October. We have been on half rations for ten days; that is, we have half rations of meat and hard bread. No coffee, sugar, salt, or anything else. We (ourselves) have had flour all the time, I having had the precaution to lay in a supply in time.

When I next visited my husband he was stationed at Collierville, about thirty-five miles east of Memphis. As before, I went down the river by boat. My sister-in-law, the wife of my brother Tom, then major of the Fifty-third, accompanied me. It was January, 1863. My husband met me at Memphis and took me by rail to Collierville, which was a small hamlet with camps all around it. It was the brigade headquarters. There were not many generals in that army, certainly no political generals. In almost all instances brigades were under the command of colonels. Lieutenant-Colonel Jones was then in command of the Fifty-third.

My husband had been ordered to this point to relieve Colonel John M. Loomis of Chicago, in command of the brigade. The headquarters were in one of the residences of the town.

I had been there but ten days when my husband was taken sick. There was much sickness among the soldiers —

smallpox and typhoid fever. There was a pesthouse in the town for those afflicted with smallpox. At first the doctors could not tell what disease my husband would develop. It proved to be typhoid, and for the next five weeks I was nurse. We had nothing but army rations, no fresh meat and no milk or cream.

Dr. Slaughter was the surgeon of the Fifty-third. He was from Evansville, Indiana, and was a most competent man, but after a time my husband grew impatient at his lack of progress toward recovery and insisted on a consultation. At Dr. Slaughter's request, a dozen army surgeons attended. I remember one old doctor telling how much greater the mortality was in cases of typhoid in some seasons than others. The summer before, he said, "we gave them calomel and jalap until we jalaped them to death."

After many jokes and hearty laughs, each doctor in turn told my husband that the treatment prescribed by Dr. Slaughter should not be changed, and departed. Dr. Slaughter's medicine was fifteen drops of turpentine on loaf sugar, given every three hours throughout the fever and convalescence.

The army rations would not do for a speedy convalescence. We must have chickens for broth. The soldiers told me they could get them by foraging. I did not know what foraging was. One day a bright drummer boy, only fifteen years old, came to me with a fat chicken under each arm. I asked him where he got them, and he answered, "For'gin'." I said, "What do you mean by foraging?" He said parties of soldiers went out and scoured the country for something to eat. "I went along and jest grabbed 'em off the roost." Thus he defined foraging. These chickens made fine broth, and more like them brought about a turn in the invalid's condition. As soon as he was able to walk, he was out of the house into the camps.

Then came talk that Grant would go down the river

to take Vicksburg. Coincident with this, troops were moving by train and marching through Collierville for Memphis.

One cold afternoon, with the rain falling hard and steadily, a regiment bound for Memphis camped right around our house. All the outbuildings were occupied except one that was locked. I saw a party of soldiers try the door, but they could not get in. Then they improvised a battering ram of what looked like a fence rail, and at the first blow the door was broken in and they entered. The palings from the fences were jerked off, and sooner almost than I can tell it, right in the rain, the campfires were burning and the kettles and coffee pots boiling. I saw the ingenuity of the soldiers exercised many times later, but I could not understand then, and never have since, how they could make so many fires in so short a time in such a soaking rain. The next morning the soldiers, as well as all the fences, had disappeared.

While at Collierville I learned of the renewal of the quarrel between my husband and Governor Morton. It began in this way. Samuel J. Wright was still one of the enlisting officers in Southern Indiana. He wrote a letter to my husband stating that certain young men of Harrison and adjoining counties had enlisted under an agreement that when mustered into service they would be assigned to the Fifty-third, but instead they had been assigned and were then serving in other regiments, and that such deception, as he termed it, "would raise h——." "Little Sammy" never hesitated for a phrase. He admired Thaddeus Stevens and Stevens' style of expression. My husband wrote Governor Morton, asking him why his regiment was not getting any of the recruits. The Governor answered that none had enlisted who desired to be sent to the Fifty-third. A copy of the letter of Mr. Wright to my husband was sent to the Governor. Thereupon the Governor wrote the following letter:

EXECUTIVE DEPARTMENT, INDIANAPOLIS,
February 4, 1863

COLONEL W. Q. GRESHAM:

SIR:—Your letter is at hand and confirms the impression before entertained of your purpose and character. If, as you say in your letter, you are desirous of serving your country, you can best do so by resigning the office you hold.

A reasonable time will be given you to do so.

Respectfully,
O. P. MORTON.

This letter of Governor Morton's was received while I was at Collierville. I preserved it. A copy was sent to General Hurlbut. His disposition of it follows:

HEADQUARTERS, SIXTEENTH ARMY CORPS,
MEMPHIS, February 14, 1863

BRIG. GENL. L. THOMAS,
ADJ. GENL. U. S. A.

GENERAL:—

I have the honor to enclose you a copy of a letter from His Excellency Governor Morton of Indiana to Colonel W. Q. Gresham, Fifty-third Indiana Infantry, a part of my command, and to request that the attention of the Secretary of War may be called to it.

Without any reference to the misunderstanding between the Governor and Colonel Gresham I desire simply to say that there appears too much of a disposition on the part of His Excellency to consider the officers and soldiers furnished by the State for the service of the United States as within control of the State executive as to military rewards and punishments, and that this is a growing evil tending to break up proper subordination and respect to their military superiors. The threat included in the last paragraph is an assumption of power.

Colonel Gresham has served under me for a year past and I have always found him a capable, brave, and energetic officer in no wise deserving the language contained in this letter.

Very Respectfully, Your Obdt. Servt.,
S. A. HURLBUT,
Maj. Genl., U. S. A.

Commg. 16th Army Corps.

War Department
A. G. O. February 5, 1863

Respectfully submitted to the General-in-Chief.

Thomas M. Vincent,
Asst. Adjt. General

No action seems to be required in this case. The evil referred to by General Hurlbut tends to destroy all efficiency and discipline of the army.

H. W. Halleck,
General-in-Chief

February 26, 1863.

Meanwhile, not knowing what action the War Department had taken, when the word came that Governor Morton had gone to Washington to see Mr. Lincoln and have Gresham dismissed on the ground that he was disloyal, Colonel Dornblaser, of the Forty-sixth Illinois; Lieutenant-Colonel William Cam, commanding the Fourteenth Illinois; Colonel George C. Rogers, of the Fifteenth Illinois; Colonel George E. Bryant, of the Twelfth Wisconsin; Lieutenant-Colonel Richard Ritter, commanding the Twenty-eighth Illinois; Colonel Cyrus Hall, commanding the Second Brigade, Fourth Division, Sixteenth Army Corps; Colonel William H. Morgan, of the Twenty-fifth Indiana; and every field officer present of the Fifty-third Indiana, wrote to Mr. Lincoln protesting against the threat of Governor Morton, who in order to gratify a personal animosity would have a brave and efficient officer dismissed and disgraced on the pretext that that officer was disloyal. Instead, many said he should be promoted.

Mr. Slaughter, my husband's old partner, who was a great admirer and friend of Governor Morton and always apprehensive that his impetuous young friend would get into trouble, heard of the quarrel before the War Department acted. After securing copies of the correspondence, Mr. Slaughter took Samuel J. Wright to the Governor and secured an understanding that if the Colonel would

withdraw the imputation in his letter to the Governor, the Governor would be satisfied.[1] The Colonel declined, and there never was a reconciliation.

The original letter of Governor Morton, the copy of the letter my husband wrote him, the original letter of Samuel J. Wright, and the letters of Mr. Slaughter are the only papers I ever lost. But I did not really loose them. I loaned them to an ex-Union officer who thought many of the incidents of the war had best be left untold. What I have set forth, including the protests of the brother officers, were furnished me from the files of the War Department.

The talk of "On to Vicksburg," and the movement of the troops, made my husband terribly anxious and nervous in his convalescence, fearing that he would be left behind. Still, I was not prepared for his action. When the orders came for his regiment to join the movement, he was still so weak he staggered when he walked. The influence of will power over the body was never more strikingly illustrated. Entreaties were vain. I went to Memphis with him and the troops. At the station at Collierville sick soldiers who were being taken to Memphis hospitals were lying on the platforms and the floors of the station. They were too weak to walk. I said it was a shame to treat soldiers in this way, and in turn was told this was war, that they were fortunate in being taken to the hospitals. On our arrival at Memphis the troops were marched straight to the levee, preparatory to embarking on a steamboat. While waiting for a boat to take the troops south, my husband took me on board a steamboat bound for the North. From the rear cabin of my boat, which soon swung out into the stream, I watched him until out of sight, but it was a long time before I went to sleep that night.

Instead of going on to Vicksburg the Fifty-third was ordered back into camp east of Memphis. Soon letters began coming to me. They were largely personal—about

[1] See pages 227–8.

my brother's resigning. One said: "Dr. Slaughter's resignation has been accepted and he has gone home; he ought to go to Dixie."

Again Mr. Gresham was on the court martial, as the following letter states:

MEMPHIS, TENN.,
April 1, 1863

I am still on the court martial—no prospect of getting off soon, especially if we remain at Memphis. Cases come in on us faster than we can dispose of them.

I have not yet received the letter that you said Mr. Slaughter was going to write. It is but seldom that it is the good fortune for any man to have as good a friend as I have in Mr. Slaughter. He is one of the men who will never under any circumstances prove untrue to a friend. I guess he takes more interest in my affair with Governor Morton than I do myself. So far as Governor Morton is concerned, I neither love nor fear him.

I hope you are not alarmed about the Rebel invasion of Kentucky. I think Burnside will miss the thing in the end. I think our prospects for bringing down the rebellion are now brighter than they have ever been. If we only hold them where we have them for a year, mere hunger will conquer them without another battle. Just think of a government being reduced to such straitened circumstances that it has to go into every little grocery store and impress every pound of flour. That of itself shows that Dixie is hard up for bread.

Soon after I reached my home in Corydon I was taken sick with typhoid fever. As the Fifty-third Indiana Volunteers was one of the many regiments that still was held at or near Memphis, my husband got leave to come home and see me. On his return to Memphis, cheerful and interesting letters soon began coming about the expected campaign against Vicksburg.

MEMPHIS, TENN.,
May 1, 1863

I arrived here yesterday evening, finding all quiet and the boys in good health. The health of the regiment is much better than

it has ever been since we left Indiana. My health is good; I feel stronger than I did before I left you Monday. I boarded the *Liberty* at New Albany Monday evening, preferring the river to the railroad. I had a very pleasant trip. Dr. William Slaughter got on the boat at Newburg—he has been at home fifty days on sick leave and is now on his way to his regiment, the 68th, at Vicksburg. At Evansville Mr. Dunn, Mr. Wright's brother-in-law, came aboard, so you see I had company.

The weather is very much as it is in Indiana, but the trees are much heavier leaved than they are there.

Had I known before leaving home what I do now, I should have remained a while longer. There is no prospect of a move that I can see. I wish you were well enough to come down and stay a while with me. There is such a nice place, which is close to our camp, where we could lodge and board in camp. Quartermaster Thomas has his wife with him; she is boarding with us in camp.

MEMPHIS, TENN.,
May 7, 1863

This will make the fourth letter I have written you since I arrived here last Friday, still I have not heard a word from you since I left home.

We are just getting news from Hooker. As far as we have heard, he has done well. I hope that the tide will not turn against him. I feel very much encouraged at the state of things now; everything looks auspicious. I have no doubt about our ability to put down the rebellion in a short time. As I have frequently said, when the rebellion is put down and the government of our fathers is once more secure, I will belong to you.

I don't see how any man who loves his country and who has any spirit, can be content at home now. . . .

When I returned, I was put on another court martial, so I infer that I have given general satisfaction in that way. I come into the city from camp at 8 A.M. and return at 4 P.M. I hope you will be able to come down and stay a while with me, if we remain here this summer. . . . What say you? There is a most charming place close to camp, where you can stay.

CHAPTER XIV

BEFORE VICKSBURG

THE TAKING OF VICKSBURG — COLONEL GRESHAM'S LETTERS FROM THE FRONT, WRITTEN FROM MAY 15, 1863, TO CLOSE OF THE SIEGE.

"THE campaign against Vicksburg," says General Grant in his "Memoirs," "was suggested and developed by circumstances." With some of the personalities eliminated, I present several letters of one of General Grant's colonels (my husband) descriptive of actions from Memphis to the fall of Vicksburg.

TEN MILES BELOW VICKSBURG,
May 15, 1863

We left Memphis on the old "Fannie Bullet" Monday evening, and arrived at Young's Point, four miles above Vicksburg, Tuesday morning, where we disembarked and marched across the country to our present position, arriving here yesterday, Thursday, after a very exhausting march through swamps. It commenced raining about the time we left Young's Point, and continued with slight intermissions until yesterday evening. Had it not been for the rain, we would have got over without any trouble. Wednesday we marched about five miles, and yesterday we marched about six miles. We are now at the point where the troops reëmbark below Vicksburg to go to the mouth of Big Black River. At that place we will disembark again and march up Big Black about twenty-five miles to join General Grant's army. We will be delayed here until to-morrow for want of transportation. The first and second brigades of our division are not up yet. We left them at Memphis; they will join us in a few days. I am not able to discover anything different between the weather here and at Memphis. Some of the boys think it is hotter here than at Memphis, but

I don't notice the change. Everything is more forward than at Memphis. The boys are out gathering blackberries.

HAINS BLUFF, MISS.,
May 23, 1863

I left Grand Gulf Monday night and joined the army at Vicksburg Wednesday morning. Our division was immediately ordered to Hains Bluff to prevent the Rebels from coming in our rear. We were on the battlefield nearly all day Wednesday. Cannonading was frightful. The division is now under marching orders; to what point I can't say. Everything looks like a fight. I am ready and I assure you I feel well—never felt better.

Judge Otto informed me that Ben was dangerously wounded; I trust not mortally. Keep me advised of the progress of the events at home. As soon as I have time I will write you particulars. Write and direct your letters to Cairo, to be forwarded.

Not a sick man in the regiment; all in fine health.

NEAR VICKSBURG, MISS.,
June 1, 1863

Things stand very much as they did when I wrote you two or three days ago. There has been less firing to-day than usual, and with the exception of an occasional shell from our artillery, all is quiet. It is a most glorious night; the moon rose clear and full about dark, shedding a mellow light over the hills and valleys, reminding me of home. In fancy I can see you at the front door to-night, as I used to, enjoying the moonlight scenes.

We are on the extreme left of Grant's army, which throws us on the river below the city. Our camp is not on the river, but our line extends that far. Yesterday we had a sharp skirmish. To-day we had one man wounded in the arm. You doubtless think we are living in the swamps on scant rations, but you are mistaken. We are on high ground. We have a pleasant breeze during the day, and the nights are delightful. So far as eating is concerned we are well off. No doubt our fare is better than you have at home. We have as much good fresh beef as we want. I send the boys out every day and they drive in a good beef. The Rebels were driven inside their works so suddenly that they left

the greater portion of their beef cattle behind them, and the grazing is so good that they are all fat. We have tea and coffee. We have two good milk cows and plenty of milk. Then we have vegetables, honey, and wheat and corn bread. Of course, we do not suffer for want of chickens. How do you like that for a bill of fare? You see there is no occasion for our friends at home to be uneasy about us on account of short rations.

There is very little sickness in the regiment. No one is seriously ill.

I cannot say when we will have possession of Vicksburg; maybe before you receive this letter, and the siege may continue for a month or more yet. General Grant thinks he can starve the enemy out without sacrificing his men in an assault.

The Rebels' hope is in Johnston now. They profess to believe, that is, some of them do, that Johnston will come up in our rear, attack us, and raise the siege. Deserters come over to us every day. I saw two yesterday who had just surrendered themselves. They belong to the Fifty-second Georgia. They say that the men are limited to half a pound of beef and three-quarters of a pound of meal a day. They tell the same tale as all the deserters, that the Rebel soldiers are out of heart; that they have no confidence in their ability to hold Vicksburg; and that all, or nearly all, want to surrender. This may not all be true, but a great deal of it is. . . .

Camp near Vicksburg, Miss.,
June 6, 1863

Yesterday evening we advanced our camp three-quarters of a mile. We are now in a big hollow with our pickets and sharpshooters about one hundred and fifty yards in advance of us and on top of the hill. Our camp is not more than four hundred yards from the enemy's works. Grant's army is patient and confident. The boys have never been whipped and they do not believe they ever can be. On the contrary, the Rebels here have always been whipped. A great portion of the Rebel army in Vicksburg was whipped at Donelson, Shiloh, Corinth, and other places of less note, and their spirit is to a considerable extent broken. All the deserters that come over, and they come over every day, concur in stating that the Rebel soldiers in Vicksburg

are out of heart, that they do not believe they can hold the place and that they want it surrendered. I suppose Pemberton holds out hoping Johnston may be able to collect an army large enough to come in on our rear and raise the siege. I can't say when Vicksburg will fall, for I do not know how well the place is supplied with provisions. I can't think, though, they can hold out long, nor can I think Johnston can get here soon with an army large enough to endanger our safety. Last night our boys were engaged digging rifle pits. We were in easy range of the enemy, but not a gun was fired during the night. To-night we work again. Soldiering here is not a frolic, but the boys are all satisfied. The health of the regiment continues to be good. Captain Dunn of the "Victor" is good enough to be the bearer of this letter. He will bring you two fine young mocking birds. Captain Burnap of the Seventh Ohio Battery gave me four and Captain Dunn agreed to take them up for half. Take good care of them, for they will make nice pets. Don't feed them too much while they are young.

Near Vicksburg,
June 18, 1863

Firing along the line is incessant. We are now used to it and it amounts to nothing. Our regiment has been remarkably fortunate thus far. I have had but two men slightly injured. Every other regiment in the division has lost more or less in the killed and wounded. We have been exposed more than any other regiment, for we have advanced the line three times. I watch my men closely when they are skirmishing and keep them covered as well as I can. Those that have been killed or wounded in the division have generally been careless.

Headquarters, 53d Indiana Volunteers,
Near Vicksburg, June 19, 1863

We are just going on duty; will remain in the rifle pits twenty-four hours. The rest of our regiment will throw up some new earthworks to-night. We will finish, or try to finish, a work that some of our men were driven from last night. About 9 o'clock last night we had quite a scare. The Rebels sallied forth to drive our working party back. They opened a furious cannonade

at the same time that the infantry advanced on our line, or rather, on our working party. A lieutenant of the Twelfth Wisconsin was wounded in the leg, and four or five men were more or less injured. The Rebels were finally driven back. It was quiet during the rest of the night. We may have a muss with them again to-night, for they understand the importance of preventing us from taking the position that we are working for. We are trying to throw up works for a battery.

In Camp near Vicksburg, Miss.,
June 24, 1863

Major Vestal is now on duty with three companies, and they had a sharp little fight this morning, but I have not heard the result. The Rebels made a sally on our boys and tried to drive them from the rifle pits, but they failed. Night before last the enemy made a dash or charge on our line, and the Fourteenth Illinois and parts of the Fifteenth Illinois disgracefully abandoned the ditches and broke in confusion to the rear and gave the enemy possession of our rifle pits. This was about three hundred yards in front of two 64-pound guns and the Fifth Ohio Battery. We came near losing our artillery, and in fact, the enemy could have taken our guns if they had pushed ahead without halting. Our regiment was on duty three or four hundred yards from the enemy's works when the attack was made. Our boys threw down the spades and picks, shouldered their guns, and held their ground, and then took the ground abandoned by the Fourteenth Illinois and held the pits until morning. The attack was made about midnight. The Fifty-third stands high, for she more than held her own. The enemy makes efforts almost every night to take our batteries, or some of them, and spike the guns.

You will see before this reaches you that we attacked them on the 20th inst., simultaneously all along the line. We went into the rifle pits at dark the evening before the attack, and at break of day every piece of artillery we have in position opened out. Being on duty, we were between our artillery and the enemy and had a good chance to witness the whole thing. The cannonading was fierce beyond all description. Woe unto the Rebel that showed his head above the works during the cannonading, for there were always a hundred rifles to drive at him. The

infantry kept the enemy quiet after an hour or three quarters, except an occasional shot, and our artillery had their own way. It was General Grant's order that the fire should continue for six hours without intermission. We did them a great deal of damage, but how much I can't say.

The health of the regiment is not good. We have more sick men now than we have had before for twelve months, but the sickness, with a few exceptions, is not of a dangerous character. It is mostly chills and fever, and I think is brought on by the hot days and cold nights. The boys work every night until they get into a profuse perspiration, and when they rest they cool off too suddenly. We report 45 men sick and unfit for duty. I work hard to keep them on their feet and in good spirits. I visit the hospital every day and cheer the sick up. More can be done that way than you would imagine. The Fourteenth Illinois has 75 sick, the Twenty-eighth has 65, the Twelfth Wisconsin with 700 men has 156, the Thirty-third Wisconsin about the same way. We are better off than any other regiment in the division. Our boys have a great deal of will, and that is everything.

I have just heard that Lee is in Pennsylvania and that Hooker is falling back on Washington. I hope it is true, for I want something done that will make the North realize what is going on. I hope Lee will get into Philadelphia. If Lee should lay waste the half of Pennsylvania, it would result in good to us. I want to see the whole North feel just as the South does, that the enemy must be conquered at all hazards.

In Camp near Vicksburg,
June 28, 1863

I am satisfied now that it was nothing but heavy duty that made the boys sick. For ten days the whole or half the regiment has been on duty without any rest. It is terrible to stand out in the rifle pits in the broiling sun all day. We have been in some close places since I wrote you last. Thursday evening I received an order to detail 200 men from my regiment and one field officer for the work, and open the ditch if possible that the enemy took from the Fourteenth Illinois and afterwards filled up. The pit was taken from them Monday night, and our men (not the Fifty-third) had tried to take the ground and open the pit Tuesday

night and again Wednesday night, but the Rebs knew the importance of preventing our men from getting the position a second time, and they were ready and our boys fell back.

At the appointed time I reported with my men, and as soon as it was dark enough, I advanced cautiously to the place, each man armed with his guns and a spade or pick. I had given the boys orders to keep quiet and avoid talking, and under no circumstances to fire a gun until I gave the order. We advanced under cover of the hills until we got within about 100 or 150 yards of where we were to work, and then got down and crawled up. I went up at the head of the column. I had just got the boys on the line—in fact, the left was not yet in position—when the enemy opened a deadly fire on the then right companies, A, C, and H. I happened to be with these companies when the fire opened, and I had difficulty to prevent the boys from returning the fire. Notwithstanding the heavy fire of the enemy, in good range and no cover, I put the boys to work. They had to lie on their stomachs and use the spades in front of them until they got a hole big enough to cover their bodies. In less than ten minutes I sent six men to the rear, wounded, including Captain Wakefield. We were within 75 or 100 yards of a large Rebel fort that is so high that the shadow of the fort extended as far as our pit, and the Rebels, not eliciting a return fire from us, concluded we had been driven back as usual. But they were badly mistaken, for in three hours we had the old pit open and extended to the left 200 yards further.

When the boys got the work far enough advanced to afford them cover, they called out to the Rebels to come on. They dared them out, but it was all in vain. I was anxious for the Rebs to make a charge on us, as they had on the Fourteenth, for I knew we could send them back in dismay, and I wanted to punish them for what they had done to our boys. The wounded boys will all, but one, get well, Fred Nolla of Company C; he will die.

The bullets flew around me but I was not touched. I believe I could have held the boys under fire until every man was shot, for they never faltered. It requires more nerve to face fire after night than in the day. The affair has set our boys right up in the division. The engineer said it was the most daring thing

that had been done in the division, and it is. General Lauman was highly pleased.

HEADQUARTERS, 53D INDIANA VOLUNTEERS,
NEAR VICKSBURG, July 2, 1863

I hope the Rebel raiders have not scared you out of your wits. By the way, I see the Rebels have made quite a little raid into Indiana, but it didn't amount to much after all. How did the people about Corydon take it? I am glad all the scoundrels were punished for their boldness. Don't think you need to have any fears of extensive raids into Indiana; not unless things change very much from what they are now. I am not satisfied that it would not have a salutary effect if a Rebel army would invade Indiana and live in the State a few months. It would bring some of the Rebel sympathizers to their senses.

I have heard nothing new on the line for several days. The weather is very warm, but not so warm as you folks at home imagine. I have suffered more from the heat in Indiana than I have since we arrived here. I saw General Grant day before yesterday. He has convened a military commission and has made me president of it. He says I will go to General Sherman soon—that there is no doubt about it—but that our part of the line is too weak for me to leave just now.

NEAR VICKSBURG,
July 4, 1863

Vicksburg is ours. The enemy sent out a flag of truce yesterday about 10 A. M. Hostilities were immediately suspended, but General Grant and General Pemberton were not able to come to terms until 10 o'clock this morning. I saw the Rebels march out and strike their arms.

I went over to their works immediately in our front, and found several old college mates. One of them, O'Reilly, captain of a battery, almost shed tears. He recognized me as soon as he saw me, and came running up to me and exclaimed, "Wat! My God, is that you? Have we been fighting each other? I wouldn't have killed you, and known it, for the world!" The whole party seemed rejoiced to meet me, and I believe they were sincere. O'Reilly had a magnificent battery, and although I hate treason

and will never compromise with it as long as I live, I could not help feeling bad for him, for with me the ties of friendship have always been strong. We are now under marching orders.

Our corps, four divisions, joins General Sherman on Black River, and a movement will then be made on Joe Johnston. In the same telegram announcing the surrender our corps received orders to be ready to march after Johnston. We will go to-night — that is, we will start. I have no time to write now. Mr. (Chaplain) Curey will deliver this letter to you.

HEADQUARTERS, 53D INDIANA VOLUNTEERS,
BIG BLACK RIVER, July 6, 1863

I have no time to write you at length. I send this by Lieutenant-Colonel Thorton of Leavenworth, who goes home, having resigned on account of ill health. Yesterday evening we arrived here, fifteen miles east of Vicksburg at the bridge over Big Black. We move at 5 o'clock in the morning toward Jackson. Johnston is some six miles ahead of us now. He will retreat to-morrow morning or we will have a fight with him. General Sherman commands our force — three army corps. I cannot say how far we will go into the interior. Rumor says we are going to Chattanooga to help Rosecrans, but I doubt it. We started at 10 o'clock yesterday and marched eighteen miles through the heat and dust until sundown. What do you think of this? We only had six men less than we started with when we stacked arms. Many regiments had less than one-half the men that they started with when they stacked arms. Better soldiers than the Fifty-third never lived. Major Vestal was left at Vicksburg sick, but I look for him to-morrow. He is a very fine officer and I think a great deal of him.

My health is fine. We left quite a number of sick men at Vicksburg. They were men who had been worked down during the siege . . .

VICKSBURG, MISS.,
July 22, 1863

I have an opportunity to write a note that will go direct to you by a discharged soldier.

General Sherman told me yesterday that General Grant had

recommended me for a promotion. Don't say anything about it, for I might not succeed. General Grant has recommended me without ever saying a word to me on the subject, and I feel gratified, for it shows that he thinks I am deserving. If I am promoted I may be at home a short time before being assigned to a command.

Don't be discouraged because Morgan captured Corydon. I tell you the Southern Confederacy is fast playing out, and we will destroy their army as we are going in the interior of their country. You need not fear Morgan. I think he is captured by this time. Do not despond, for I expect to spend a good many pleasant days with you yet.

VICKSBURG, MISS.,
July 24, 1863

We arrived here yesterday, marching from Jackson by way of Raymond, a distance of more than fifty miles in two days and a half. The day before yesterday we marched twenty-two miles with mercury above 100. It was an awful march. Never did the Fifty-third show its superiority over other regiments as it has on this march. I brought every one of my men through, while other regiments have scores of stragglers behind yet. On arriving here I found two letters from you of the 5th and 12th insts., the latter giving an account of the Morgan raid. How I would like to have been there with the Fifty-third and a few more of the same sort. I would give anything in the world to get after Morgan.

VICKSBURG, MISS.,
August 4, 1863

I expect a commission as brigadier-general in a short time and it is important that I should be here when it arrives so that I can get a good command. I am still in good health. We go to Natchez this week.

VICKSBURG, MISS.,
August 7, 1863

I could have been advanced long ago if I had surrendered my manhood and had been a sycophant. But that I will never do. I fought my way up in spite of some unscrupulous scoundrels at

home who have exerted themselves to keep me down. I have served my country long and faithfully under men whom I knew to be my inferiors, but light is at last dawning. I will not be indebted to governors, congressmen, or any other civil magistrates for promotion, as more than one-half the generals are.

Since Morgan and his men have all been captured I hope you are in better spirits. I can see a great deal to encourage us. In the last three months the Rebels have lost over 100,000 men. They have been defeated everywhere. Remember where the Union army was at the beginning of the war, then think where it is now. We have cut the Confederacy in twain and the people of the South are out of heart and say they want peace on any terms. I know this is so. Even here in Mississippi where treason was respectable for years before the war, the people say they are whipped and see nothing ahead but total destruction if the war is not terminated.

CHAPTER XV

MORGAN'S RAID

MORGAN'S REASONS FOR HIS RAID INTO INDIANA—COUNTED ON AID FROM SYMPATHIZERS NORTH OF THE OHIO RIVER—MORGAN CAPTURES TWO STEAMERS AND CROSSES THE RIVER—THE DEFENSE OF CORYDON—CARE OF CONFEDERATE WOUNDED.

IT was several days after the Fourth of July, the day Vicksburg fell, before we heard of it, even by telegram. Meanwhile, and before some of the preceding letters came to me from Vicksburg, General John Morgan had passed through Corydon, closely pursued by his Kentucky neighbor, General Hobson, commanding the Union cavalry.

From the beginning of the war there had been apprehensions at Corydon of a guerrilla expedition, or an invasion from the South. Several times we were roused at night and prepared to leave our homes because of a supposed night attack on the town. Late in the Spring of 1863, there were continual rumors that the Confederate General John Morgan, of Lexington, Kentucky, and his command of cavalry would invade our county. Some young Kentuckians visiting Corydon at this time were regarded as spies, for it was known that practically all of the young men of Kentucky were in the Rebel or Union army. A short time before Morgan appeared, Henry Crutcher, of Meade County, Kentucky, made a visit to his cousin, Edward Aydelotte. Henry was particularly fond of horseback riding with the young ladies of the town, especially with his cousin, Mollie Jordan, the daughter of David Jordan, who lived directly opposite us. They rode over all the river roads to the south and the crossroads—the Mauckport

Road due south, the Amsterdam Road to the southwest, and the Laconia Road to the southeast, and north of Corydon on the Salem Road.

The first man of Morgan's command to enter the town was Henry Crutcher. He led a party in on the New Albany Road from the east. Toward evening as they were moving out of town on the Salem Road, Henry stopped to pay his respects to Mollie.

"I haven't time to pay a visit, not even to dismount, Cousin Mollie. Won't you give me a cup of water?"

"No, you Rebel; go, or Hobson will get you!" was her response.

Undoubtedly Morgan was deceived by the reports he received as to the aid he would get if he came to the north side of the Ohio River. Men who had been pronounced in their views that the seceding States should be permitted to depart in peace, who were opposed to emancipation, shouldered their squirrel rifles "to meet the invaders of our homes." These invaders they afterwards denounced as thieves and robbers for appropriating all of the fresh horses within five or six miles of the line of march, for levying and exacting a tribute of $2,100 on the three flour mills, for entering the stores and taking boots, socks, and all necessary edibles. In place of the good horses they took they left their ridden-down Kentucky thoroughbreds. Samuel J. Wright's losses, including the tribute he paid on his mill, amounted to $5,000; those of Douglass and Denbo to $3,500. William Hisey concealed $690 in a drawer in his house, but it was found and taken when the house was entered. This was "living off the country"—war.

General Basil Duke, Morgan's second in command, said they met more resistance at Corydon than at any other point on their ride from Brandenburg to Buffington's Ford, Ohio, where they attempted to cross the Ohio River into Virginia. It was told me by Colonel Bowles, who commanded one of the Kentucky regiments, that their original

intention was to get to Pennyslvania and join General Lee.

In all, according to Basil Duke, Morgan had 3,000 men. Years afterward I heard men who were with Morgan say that 4,000 men confronted them at Corydon. As a matter of fact there were but 600, 300 volunteers and 300 Home Guards. While the Corydon fight was only a skirmish, it illustrates the fact that a few undisciplined men with arms in their hands can and sometimes will withstand the advance of a superior force.

On the evening of July 7 (Tuesday) General Morgan appeared at Brandenburg and captured two steamers, the *T. J. McComb* and the *Alice Dean*. Lieutenant-Colonel William J. Irwin of the "Indiana Legion" or Home Guards at Alton heard of it and immediately sent to Leavenworth, by the steamer *Lady Pike*, for a six-pound gun and the Home Guards at that point, and dispatched a courier to Colonel Jordan at Corydon for reinforcements to come to the river and help prevent Morgan from crossing. It was early evening when the rider galloped into Corydon and soon we were all in confusion; women and children were in the streets prepared to leave.

By midnight the *Lady Pike* was back at Alton with the gun from Leavenworth, and a company in command of Captain Lynn and Colonel Woodbury to man it. Before sunrise the gun had been dragged across the county and was in position opposite Brandenburg. There were also present Captains Farquhar's, Hufman's, and Hayes' companies of the Indiana Legion or Home Guards; in all about one hundred men.

As soon as there was any lifting of the fog, which hung long after the sun rose, Colonel Irwin ordered the six-pounder to be directed at the boilers of the *McComb* and the *Dean*, and fired with a view to either disabling or sinking these boats and thus preventing the crossing of the raiders. Both boats were crowded with men. But one line shot had been fired, passing directly over the bow of the

Dean, and there was a scurrying ashore when Provost-Marshal John Timberlake, former Colonel of the Eighty-first Indiana, appeared on the scene and, claiming to be the ranking officer, said it would not do to destroy or sink the property of the United States—the *McComb* was a government transport—and insisted on firing on the Confederate cavalry who were on the high ground at the west of the town. This was done with good effect, killing several and wounding more. In this fire the Home Guards joined. But soon two of Morgan's batteries, one at the Brandenburg court house and the other toward the lower end of the town, and the infantry opened on the six-pounder, and under cover of this fire the boats crossed and landed a large body of men who speedily drove the Home Guards from the field, with the loss of three killed and four wounded, and their cannon.

Upon landing on the Indiana side General Morgan said: "That was the tightest box I was ever in." General Hobson was coming up in his rear, and had the boats been destroyed, he would probably have met the fate he did later at Buffington's Ford. He might have forded at the bar above Brandenburg, but he never could have brought his artillery across. He made special inquiry for the Home Guards with the Springfield rifles, but was never able to find them.

By retreating slowly on the Corydon Road and felling trees to obstruct as much as possible the progress of Morgan's cavalry, Colonels Irwin and Timberlake hoped that aid from New Albany would reach them, but it did not come. "Not deterred by this neglect of the New Albany Home Guards, or the overpowering force in our front," said one, "we gathered to the number of three hundred Home Guards and citizens and marched on Wednesday afternoon four miles south of Corydon on the Mauckport Road to meet the invaders." They called themselves "infantry and cavalry." Here the infantry remained until

10 P. M., when they returned to town, and again there was a night of turmoil and hysterical women. The cavalry under Major Jacob Pfrimmer and mounted citizens to the number of one hundred remained behind on all the roads leading to the river to watch the approach of the enemy. The next morning Major Pfrimmer and his men charged a party of Morgan's scouts and captured twelve of them.

Much indignation was expressed at a party of Morgan's men shooting down John Glenn and burning his house. But the old man was foolish enough or brave enough to walk out of his house alone and fire into the approaching Confederates. The only property burned was Lopp's Mill on Buck Creek.

About 11 A. M. on Thursday, July 9, the report came to town that Morgan's main force was approaching on the Mauckport Road, with skirmishers out on either side. The Home Guards and citizens to the number of six hundred, under the command of Colonel Louis Jordan, assisted by Colonel Timberlake and Major Jacob Pfrimmer, formed what they called a line of battle on the hill one mile south of Corydon, reaching from Amsterdam Road on the right to Laconia Road on the left or east, with the Mauckport Road in the center. My brother, Major McGrain, was in command of a company armed with Henry rifles on the extreme right of the line on the Amsterdam Road.

Temporary breastworks made of fallen logs and fence rails, together with the lay of the ground and the timber and underbrush, made it difficult for Morgan to make a direct attack. But still he came that way. He approached on the left in small force, but was repulsed by Captain George LaHue's company; then after he had advanced his main force up the Mauckport Road, he saw that a direct attack would cost too many lives, so he covered both flanks at the same time, "which made it necessary," one of the volunteers informed me, "for us in the center to fall back." "This," he further said, "was done, not with the best of

order, but with excellent speed, for, you know, our infantry were mostly undrilled." On the Amsterdam Road, where my brother commanded the "Henry Rifles" and thirty or forty men armed with ordinary squirrel rifles, he and his men claimed to have held Morgan's cavalry in check until artillery was brought to bear on them and they were flanked out with a dismounted force.

The "infantry" fell back to the town, while the "cavalry" made good their escape. Morgan then occupied the hill and began throwing shells into the center of the street in front of the court house. He also flanked the town to the east and the west. Colonel Jordan, seeing that further resistance would be useless and would result in the destruction of the town, hoisted the white flag. The Home Guard losses were 3 killed, 2 wounded, and 300 prisoners; the latter, after several hours, were paroled. Morgan's losses were 18 killed and 33 wounded. General Morgan arrived in time for a late dinner, and held possession of the town until night.

"Cedar Glade," my father's house, was about half a mile north of the town, on the Salem Road, which was a continuation of the street into which ran the Mauckport Road from the south, on which Morgan's column advanced. To my father's house in the forenoon, as soon as the firing began, most of the women of the town betook themselves with their children and as many belongings as they could carry. The house had a large cellar, but not large enough for all the women and children who had sought refuge there; they overflowed the house and lawn. Between this house and the town there was a hill, so we had no view of what was going on. But soon after I reached my father's house we heard the sound of artillery. We saw those of the Home Guards who did not remain in town to surrender, run past to the fields and hills beyond. Some of them threw away their guns as they ran. Dr. Slemmons had a fine Spencer rifle, which he threw into a meadow opposite

us as he ran past; the next morning he walked out and picked it up.

Some of the cannon balls tore through the trees near my father's house after passing over the town, as they were fired from an elevation to the south of the town. At this many of the women gave way to shrieks, and the larger they were, the more alarmed they were. But the irrepressible small boy threw up his hat in glee and yelled, "The Rebels are coming, the Rebels are coming to town."

The women had left their houses unprotected, and some of them, in their fright, brought more things away than they could carry back after the troops had passed. While they were gone Morgan's men went through some of the unprotected houses, ransacking bureaus and closets, and taking what they could carry. Where the families remained at home the houses were not sacked; but as our men did in the South, Confederate officers and men billeted themselves on the households for the six or eight hours they remained. They offered to pay, but only in Confederate money.

Mr. T. C. Slaughter, my husband's old law partner, was at Paoli when Morgan crossed at Brandenburg on Wednesday morning. That afternoon he drove over to Orleans and took the Monon Railroad into New Albany. He got out his squirrel rifle, joined the "Henry Rifles" under Major McGrain, and fired sixteen rounds before they retreated into town, where he was captured. During his captivity Captain Slaughter of General Morgan's artillery hunted him up and claimed kinship, which Mr. Slaughter said, though distant, existed. This incident of the Kentucky captain's calling on Mr. Slaughter gave rise to the report that Slaughter suffered less loss than any of the other large property owners of the town, and the fact is, his losses were very slight. Blood is thicker than water, the gossips said.

The sword which the officers and men of the Fifty-third Indiana had presented to my husband and which he had

sent home, I concealed in a stovepipe before I started to my father's house, shortly before noon. Toward evening the excitement at "Cedar Glade" subsided and I concluded to return to my home to look after it, and with a view to remaining there during the night, as I felt there would be no danger. Moreover, I thought of the action of our soldiers at Collierville in using the fence paling for kindling for their bivouac fires, and feared that if Morgan's command remained that night in Corydon and I was not there to protect them, our fences might be appropriated for a like purpose.

At the edge of the town, but two or three blocks from my home, I met Morgan's advance guard. Before the entire body had passed, two young officers fell out of line and addressed me — a Captain Simmons and Lieutenant Brown, who were brothers of schoolmates of my sister Lyde and myself at Beardstown, Kentucky. They asked me where my husband was, and I told them, "In the Yankee army, fighting you fellows." I offered them the hospitality of the house if they would remain over night, for I knew that with them as my guests I and my fence would be safe. They thanked me and said, "We most certainly would be glad to accept, but you don't seem to perceive we are somewhat in a hurry." The rear of their column had disappeared over the hill. They bade me good-bye and went on at a gallop. A son of Captain Simmons afterwards came to Chicago, and my husband secured him a situation. I found everything intact at my house, but instead of staying there that night, I yielded to the entreaties of the Jordans and passed the night with them. Troops and stragglers were passing all night.

General Morgan improvised the Corydon Presbyterian Church into a hospital for his wounded. Those who were strong enough to be moved were sent in a few days to New Albany, but those who were seriously wounded were compelled to remain in the church. My sister, Jane Anna, and

I nursed one, Albert Womack, a mere boy, only seventeen, small and delicate for his years. He was desperately wounded and died in a few days. His home was in McMinnville, Tennessee. In his delirium the boy revealed the family secrets and the refinement of his Tennessee home. When we first went to him he had on a dirty flannel shirt and asked to have a white one. We washed him and put on him one of my husband's best white shirts. From the fact that my father was a Secessionist, the action of my sister and myself in nursing this boy created a good deal of talk, and still more when he was buried in the Corydon Cemetery in a shirt on which appeared the name of my husband, who had a short time before been promoted to be a brigadier-general for services at Vicksburg.

Benjamin Q. A. Gresham, my husband's eldest brother, then a major in the Third Indiana Cavalry, was home on furlough recovering from a wound. In uniform he was the handsomest officer I saw during the war, but without any trace of that consciousness that too often mars manly beauty. In the disguise of a farmer he entered Morgan's lines and spent the afternoon with him and the troops in Corydon. Later in the day, when he wished to leave town, in order to report to the authorities at Indianapolis what he had seen and what he understood to be Morgan's plan, he applied to Morgan for a pass to permit him to go through the Confederate lines. He told Morgan he lived ten miles east on the New Albany plank road, which for several miles was in possession of Morgan's men, and said, "I have a very sick boy at home and came here for medicine for him — nux vomica." After some conversation about the boy, Morgan asked his age, and whether there was a doctor at Lanesville. "Morgan looked hard at me, saying, 'I think it is a damn strange thing for you to ride ten miles for a little bottle of medicine like that, but if your boy is sick, as you say, I guess I will have to pass you through,'" and he did. Ben laughed and added, "Morgan is a good

fellow. I think he suspected me of being a spy, but I knew he had no time then to stop and shoot or hang me." Instead of stopping at Lanesville, Ben rode through to New Albany, and telegraphed Governor Morton his impressions of Morgan and his force.

CHAPTER XVI

NATCHEZ IN 1863

COLONIAL HOMES OF NATCHEZ—"ROSALIE," GRANT'S HEADQUARTERS—GRESHAM IN COMMAND OF NATCHEZ—COTTON A CAUSE OF DOWNFALL OF CONFEDERACY—EFFECT OF ENLISTMENT OF NEGROES—GRESHAM ENFORCES LAW AND ORDER—PRESERVES RIGHTS OF NONCOMBATANTS—PROCLAMATION OF AMNESTY AND PARDON—MORTALITY AMONG CONTRABANDS WHO FLOCKED TO THE TOWNS—RECONSTRUCTION BEGUN.

IN the latter part of August, 1863, I started for Vicksburg to visit "My Gineral." There was still plenty of secessionist sentiment in my family. My younger sister Zetta, who was devoted to my husband, dubbed him "My Gineral." The river was low and it was a journey by light draft boat to Memphis, where we transferred to another for Vicksburg. We were a week on the way, and I became sick from drinking the river water. Before reaching Memphis there was much talk on the boat that below Memphis boats were set on fire by emissaries of the Confederacy or fired on from the bank, but I went through without incident.

On the arrival of the boat at Vicksburg I was met by several officers whom I had known at Collierville.[1] They brought me word that my husband was at Natchez and for me to go on to that point. As it would take most of the day and part of the night for the boat to unload the Vicksburg cargo, I accepted their invitation to drive about the town and out to the fortifications and trenches. It was early September, sixty days after the surrender, and some of the streets were still barricaded. In those that were open there were hats, rubbish, old clothes, and parts

[1]See page 215.

of wagons and caissons. The caves in the chalk-like clay hills, in which the Vicksburg people lived during the siege, were pointed out. Then we drove out to the line of forts and the trenches of the besieged, and the line of General Grant's army with its trenches and parallels as it was posted when General Pemberton surrendered. To the southeast of the city was the position of my husband's regiment, now marked by a tablet.

Beyond to the east was indicated the line of that part of General Grant's army which had formed "a face front to the rear, to meet the threatened approach of Joe Johnston's army." Even a woman, on the ground with the panorama before her, could appreciate the genius that conceived the plan, and the force and energy that executed it.

Early next morning we were at Natchez. My husband was on the boat, up in the cabin, and greeting me before I was ready to leave. I was struck with his lean appearance. He had not yet recovered from the exposure in the trenches at Vicksburg. He admitted then, what he had not written about himself but about others, that the exposure in the trenches had brought on indigestion and malaria. "Most of the clothes we wore during the siege we burned," he said.

When I first saw it, Natchez was a beautiful place, and still is, although then showing traces of the ravages of the war. There was "Natchez on the Bluff" and "Natchez under the Hill" at the landing. At the time of my first visit, "Natchez under the Hill" was a famous place with its wharf, boats, warehouses, stores and hotels, and haunts of vice. Up an inclined cut, in the side of the chalky bluff which rises 170 feet above the river, is the road or street leading to Natchez proper. At the top is a park commanding a view — none finer on the Mississippi — down the river for miles, and up the river a short distance to where it disappears behind a bend to the west twenty miles around,

only to appear again across a narrow neck, about two and one-half miles to the north. Westward across the river for many miles the fertile bottom fields of Louisiana are in view. Facing the park were beautiful residences and farther back was the business part of the city.

July 13, 1863, General Grant went to Natchez and made his headquarters in "Rosalie," the handsomest of the residences on the park I have just described. "Rosalie" was built in 1823 and takes its name from the French fort of that name that was destroyed by the Natchez Indians in 1729, when all the French settlers were massacred. Several hundred feet to the south of the mansion, on what was then part of its lawn, were the remains of the old fort, right on the crest of the bluff.

General Grant remained but a few days at Natchez. He left Brigadier-General M. M. Crocker, commanding the Fourth Division of the Seventeenth Army Corps, in command of the District of Natchez, which included as much of the territory of Louisiana and Mississippi adjacent to the river as he could cover.

August 26, 1863, my husband reported to General Crocker and was assigned to the command of the Third Brigade, Fourth Division, Seventeenth Army Corps, with headquarters at "Rosalie." Included in his command was the city of Natchez, so that from the first he was brought into close contact with its people.

Up the incline and through the park to "Rosalie" I was conducted. Its lawns to the rear, the site of the old fort, and beyond, were covered with tents. A sumptuous breakfast awaited me.

On the boats from Cairo to Natchez there had been a handsome young officer with red hair who attracted much attention by the way he played poker and drank whiskey. When he was presented to me at breakfast as Captain Norton of the Twelfth Wisconsin and a member of my husband's staff, I recognized him at once and caused some

amusement by relating the circumstances under which I had seen him on the boat. Although my husband was always temperate himself, a fact to which the doctors afterwards attributed their ability to save his leg and his life, the use of wine and whiskey—almost universal in the army—was no bar to my husband's favor; certainly not so long as those who drank it did not incapacitate themselves for duty. At "Rosalie" I learned the game of poker.

One of the members of my husband's staff was Captain George S. Babbitt of the Twenty-third Indiana. The entire antithesis of Daniel G. Griffin of the Thirty-eighth Indiana, whom my husband described as the most perfect man he had ever met, Babbitt was Griffin's most intimate friend. They occupied bachelor quarters in New Albany. How two men so different could be such friends was one of the mysteries. Babbitt, it was said, was like John A. Rawlins, proficient in the language that made the army in Flanders famous. He was a native of Michigan and had come to New Albany as a civil engineer in the employ of the Louisville, New Albany & Chicago Railroad Company, had graduated from the "Anderson Rifles" as an officer into the Twenty-third Indiana Volunteers when it was organized in New Albany in June, July, and August, 1861. Daniel G. Griffin was captain of the "Anderson Rifles" until he went into the Thirty-eighth. William L. Sanderson had been mayor of New Albany, was one of its leading and most respected citizens, and had passed middle life when he was commissioned Colonel of the Twenty-third. Very dignified, he had not much patience with the young fellows, among whom Babbitt was the leader, who after marching all day would play cards and drink whiskey a good part of the night. Babbitt was but a little over twenty-five and was one of the brightest and ablest men of his years I ever met. His energy and his brains were what my husband liked in him. Moreover, his duties as chief executive officer of the man who had almost unlimited power in the district, left him

but little time for play. With the soldiers, the planters of Natchez, and the ex-Confederates whose wounds had disabled them for further service, Babbitt was most popular. There was much cheer, many cigars and toddies at these headquarters, and when it came to hospitality, no Southern man could be more cordial than my husband. Indeed, he was always rated as one of them. And in his absence Babbitt would do the honors. It was Babbitt's great pleasure to crowd the colonel of a regiment along, and his special delight to prod up "Coon Sanderson," as he always spoke of Colonel Sanderson. Most considerate of the sensibilities of women, he never made war on them. Before the close of the great conflict which Babbitt did not long survive, for he burnt the candle at both ends, he was made a colonel, as were also Captain Norton of the Twelfth Wisconsin and A. V. Duncan, another bright man. These three made up my husband's staff. Captain Cadle of an Iowa regiment, a handsome young officer, afterwards a colonel, was Crocker's adjutant-general. Babbitt, Norton, and Cadle were popular with the young ladies of Natchez, and when it came to a flirtation there was neither blue nor gray.

A. L. Wilson, the owner of "Rosalie," a man of affairs and affluence, before the coming of the Yankees had taken his slaves and gone to Texas in the hope of saving them. He believed, as did others, that he might escape the pains and penalties of the Confiscation Act and the effects of the Emancipation Proclamation.

Mrs. Wilson and her daughter, an only child, a demure miss whom our officers much respected, occupied all the upper part of the house except one of the front rooms, which was mine. Miss Wilson, then just out of school, was devoted to a Captain S. E. Rumble who was in the Confederate army. After the war he and Miss Wilson were married, and since then I have enjoyed their hospitality and that of their charming family at "Rosalie." All

the lower floor except the dining room of General Grant was used for the executive offices. The dining room my husband and his staff used as their mess room. Mrs. Wilson and her daughter used one of the upper rooms as their dining room; their food was largely supplied by our mess.

Contrary to the old adage that two women cannot live in the same house and be friends, Mrs. Wilson and I were most congenial. I never let her forget that I recognized that it was her house. The exigencies of the war did not alter that fact. It always seemed hard to me to make a private residence army headquarters or the lodging place for officers. However, in the latter instance it was a protection when the Union officer was the right kind of man. Though Secessionist to the core, on one occasion Mrs. Wilson gave way to her feelings: "I would like to stand by and see the first man who uttered the word *secession* have his tongue pulled out. Before the war," she added, "the world was beautiful to us." But she was always my husband's friend, and after he moved his headquarters to the business part of the city he frequently called on her, when she would always insist on his remaining for the night and occupying the room which she always kept for him.

Even the Natchez Indians, from whom the place derived its name, were far in advance of most of our aborigines in civilization. The place seemed to breathe culture.

In ante-bellum days the Mississippi, except the highways leading to the east, was the only artery of commerce and, as presaging what may come again, ocean steamers in those days came to the levee and cotton was shipped direct to Liverpool. When the war broke out there were no less than six millionaires living in Natchez and its environs in Adams County. Their plantations were largely in Concordia and Tensas parishes across the river in Louisiana. Hospitable by nature, these men were almost universally cordial to my husband.

The planters dwelt in mansions built on the most beautiful lines of architecture, with broad verandas or galleries supported by noble columns. The best lines of all the Colonial homes I have ever seen in America are those of "Stanton Hall," finished by Frederick Stanton in 1858. Most of these residences were built early in the nineteenth century. In all there were forty of these homes in Adams County. "Concord," the residence of the Minors when I was there, was built by one of the Spanish governors in 1784, and it would be a splendid building yet but for the ravages of fire. "Laurel Hill" of the Spanish days is still standing. In every way in his power my husband aided Mrs. Minor. She was a widow with a son in the Confederate army. After my husband was wounded, at Mrs. Minor's instance he exerted himself to get her son released from captivity because of his youth and ill health. Miss Kate Minor, who during the World's Fair, as one of the "Lady Managers" from Louisiana, won such golden opinions from all, was then a mere infant.

On a commanding height overlooking the Mississippi, was the "Briars," where Jefferson Davis wooed and won his second wife, Miss Varina Howell. We visited and dined at "Richmond," an old mansion a short distance down the river road. Its construction had been begun in 1784. Levin R. Marshall, the owner of "Richmond," a neutral, as he is spoken of to-day by people in Natchez, was rated by us as a Union man, as is attested by a letter of December 20, 1863, to my husband from Mrs. Marshall, in which she begs on behalf of herself and others, "that the troops will not evacuate Vidalia, for if they leave the other side of the river our property will almost certainly be destroyed; our corn, of which we have plenty, and our mills and gins burned, *and then our negroes must starve.*" The troops stayed, and by every act in his power my husband strove to keep the negroes on the plantations. Mr. Marshall's two sons and his son-in-law were in the Confederate army.

The unmarried daughter, Mary, and the married one, the wife of Captain Ogden of General Loring's staff, were accomplished women, and very popular with our young officers.

Many of the Southern women in their necessity, after the blockade, made their own clothes, hats, and bonnets. They braided hats out of straw and did some marvelous needle work. Miss Marshall started to braid a hat for General Grant, but as he left before it was finished, she gave it to General Gresham. It was of such exquisite workmanship that I thought it should not be worn, but preserved to show subsequently the kind and character of the work of the Southern women during the Rebellion. In 1903 I gave it to the Chicago Historical Society to be preserved with some of the war mementoes of General Grant and my husband, with an account of how it came to me and the name of the maker.

Another Union family at Natchez were the Nutts. Mr. Haller Nutt was a millionaire when the war began. He owned the plantation at Hard Times Landing in Tensas Parish on the Louisiana side below Vicksburg. It was to Hard Times that General Grant marched his army around Vicksburg and landed his boats after they ran the batteries. Instead of burning his corn and killing and driving off his hogs as others did, he left them to subsist General Grant's army. A Virginian by birth, he did not survive the war, but his estate was compensated for what our army took, but not for the large number of negroes whose freedom was contemporaneous with the advent of the United States forces. "Longwood," the Nutt home, was about a mile and a half out of Natchez to the southeast on the Woodville Road. When the war began, it was in the process of being built anew. The blockade stopped its construction as the roof and first story were completed. The interior woodwork and furnishings, then at sea, never reached Natchez. This first story and the house for the servants,

a good dwelling for any one, formed the Nutt abode in 1863. Many times we dined there. "Longwood's" eighty acres, with sixty servants, were well cared for. In the garden were five hundred varieties of roses. Miss Carrie Nutt was a charming young woman and deservedly popular with all, especially our young officers. It was at "Longwood" that Sargent S. Prentiss married Mrs. Williams and it was there he died.

Just beyond, on the Woodville Road, is Prentiss's grave and that of Winthrop Sargent, one of Washington's soldiers, the first secretary of the Northwest Territory by President Washington's appointment, and the first territorial governor of Mississippi, appointed by President Adams and removed by President Jefferson. Theodore Roosevelt is in error, in "The Winning of the West," in stating that Sargent left Mississippi after being removed from office. Soon after reaching Natchez Mr. Sargent wooed and won a handsome young widow, Mrs. Williams, who had a large landed estate. On this they erected the typical mansion of Colonial days, which they called "Gloster," and which stands to-day within a few hundred yards of Winthrop Sargent's grave. His grandson, also Winthrop Sargent, unlike many New England men who settled in the South, "did not take up," as Mr. Lincoln put it, "with the sophism of secession." "Many of our most violent and unreasoning Secessionists are men of New England origin," said one of our dinner guests on one occasion to my husband. His answer was, "They may well be, for they invented it." Sargent adhered to his grandfather's Federalism. He was one of my husband's intimate friends while I was in Natchez. Many were the discussions I heard between the two about the Northwest Territory, St. Clair, Washington, Adams, and Jefferson. After my husband was wounded, Winthrop Sargent was one of his regular correspondents.

To the north and east of "Longwood" and "Gloster" on the Liberty Road was "Elmscourt," the handsome

home of A. S. Merrill, who was considered a Union man. At any rate, some of his property was destroyed by Confederates and on one occasion a detail was sent by the Confederate General Wirt Adams to burn his residence, but they were driven off. The Merrills were an interesting and accomplished family. After the war, General Grant sent Mr. Merrill to Brussels as our minister. Past "Monmouth," the home of General J. M. Quitman, a native of New York but one of the most extreme of the Secessionists, was "Melrose," the home of Judge McMurran, the former partner of General Quitman. Judge McMurran had gained fame at the bar and with him and Mrs. McMurran we had most cordial relations. Judge McMurran was one of the Mississippi delegates to the convention of 1850 that met at Nashville with a view to preventing the admission of California. He was a broad-minded, conservative, cultured man.

Another accomplished family was that of Mr. Samuel Davis. He lived just at the edge of town in "Sunnyside," his brother Alfred Vidal Davis near by in "Dunleith." As I remember it Samuel Davis's family consisted of himself, Mrs. Davis and a daughter. He was frank in his secessionist views. He was wealthy and his wine cellar was still well stocked with wine that had been imported before the war. He gave most elegant and sumptuous dinners. Another warm friend my husband made at Natchez was Dr. William Byrd Page, a Virginian by birth, who was enjoying a large and lucrative practice in Philadelphia when Mississippi seceded. His wife, who was a Miss Davis, a sister of A. V. and Samuel Davis, had large plantations in Louisiana and Mississippi. When the war began, Dr. and Mrs. Page moved to Natchez to look after Mrs. Davis's property. Their object was to avoid the pains and penalties of the confiscation acts of the Confederate government. They succeeded, as did Dr. and Mrs. Carter who lived in Philadelphia before the war, but were sojourning in Natchez

when I was there. After the war they returned to Philadelphia. Mrs. Carter also owned a large plantation in Concordia Parish, Louisiana. My husband, whose desire it was to get them back to the old relation, cared not whether it was the stress of circumstances or a prededication that caused them to side with the Confederacy. When it came to property interests, the noncombatants, whether "Yank or Reb," can not now be censured for having played both ends. The Southern judges were better diplomats right in the midst of the war than the men in military or executive positions. Men of the class of Drs. Page and Carter, the Confederate State Courts held, were not liable to the drafts but might be expelled.[1] Perhaps the reader and the historians, in view of some of the facts and incidents herein set forth, can understand how Gresham wanted to end the war at Appomattox.

"Clifton," the complement of "Rosalie" and built the same year, overlooked the river to the north of the park from the highest ground in Natchez. It was the home of Frank Surget and was then occupied by the Union forces. Subsequently—an unnecessary, if not a wanton act—it was demolished and a fort constructed on its site. We dined with Mr. Surget. He was not living in "Clifton" then, but in a house in the center of the city.

[1] News item from one of the Natchez papers of 1864, furnished by Capt. Allen T. Bowie, C. S. A.:

"A few days since, a squad of Rebels came to our lines under Flag of Truce having in custody Mr. J. Lengsfield with his wife and six children, who had been, as it appears after the usual routine of imprisonment and confiscation of goods, banished 'not to return to the Confederate States during the war.'

"The family were properly cared for and General Brayman, in pursuance of instructions concerning such cases, selected Judge S. S. Boyd and family to be sent to Brookhaven in return After all preparations were made for the departure the friends of Judge Boyd proposed to pay $5,000 for the benefit and support of refugees and citizens who, like Mr. Lengsfield, may be plundered and banished from Rebel neighborhoods for being loyal to the United States flag and government. General Brayman made the order accordingly. The result is, Judge Boyd remains at home, and the new Mayor begins his poor-fund for the winter with $5,000 in the city treasury."

The claim of Judge Boyd's relatives and friends is that General Brayman appropriated the $5,000 to his own use. James Surget states that he paid the money in currency to General Brayman, and that it never went into the poor-fund.

See page 262.

Another place that we visited was "Brown's Gardens," under the hill, but up the river about opposite "Clifton." The gardens of roses were even then immense, but the encroachment of the Mississippi had cut them down greatly. This place is now the home of Mr. R. F. Learned, who was in the Confederate army. After the war he married Miss Brown, and I am glad to say that both lived long and prospered. Dr. and Mrs. Page made up another charming and interesting family, as I have already stated.

For two months I lived at "Rosalie." Almost always at dinner in the middle of the day there was some officer or citizen as a guest. At the morning meal the talk was unguarded. Often my husband would caution Babbitt and Norton that they would be surprised and captured some evening when calling on the ladies. "Shop" was talked —that is, military movements. But what interested me most was to hear my husband discuss the political, social, and economical changes the abolition of slavery would make. Subsequent events proved that he understood the situation. He could expound a legal proposition with a clearness that was interesting to all. The Emancipation Proclamation was a war measure; it freed only certain individuals; it did not change the fundamental law which recognized the institution of slavery. "We will have a Thirteenth Amendment but it will not be the kind Mr. Lincoln offered the slaveholder in 1861 —it will sweep the institution from our political and economical system. I hope the Southern leaders will end the war and let us pay their people something for their niggers —otherwise they will get nothing." Sure of the end and conscious of his own power and that of the government behind him, Mr. Gresham's purpose was always to make it easy to get back to the old relations.

At that table I learned that there was a most extensive and efficient secret service. It covered the military and political field completely. Some of the women —ladies who

were receiving courtesies and rations at our hands—were secretly aiding the enemy. They never knew that Walter Q. Gresham had an exact line on them. He regarded them as foolish, misguided women.

From what I actually saw, and from letters and personal recollections of the time, General Gresham was with but few exceptions on good terms with every man, woman, and child in Natchez. It was his opportunity to show his love for the human race, the high as well as the low. His most intimate friend, perhaps, at Natchez was Judge Josiah Winchester, an ex-member of the Mississippi Supreme Court and an opponent of secession in the 1861 convention. Born in 1809 in Salem, Massachusetts, a graduate of Dartmouth, a student of law two years in the office of Rufus Choate, Josiah Winchester emigrated to Natchez in the early '30's and there enjoyed a large and lucrative practice until, on the stump and platform, beginning at the time of the Lincoln and Douglas Debate, he took up the cudgels against secession.[1] He married into the same family—the Howells—from which Jefferson Davis took his second wife, and the women of his family were all in sympathy with secession. Judge Winchester dined with us. Afterwards one of his daughters said, "I did not approve of my father dining with a Yankee general." In views and sympathies Judge Winchester and General Gresham were in thorough accord—the one to help keep his people from foolish acts,

[1] With prophetic vision, in his written communication to the papers entitled "An Appeal to the Thinking Men of the South," he pointed out that "if the senators and congressmen of the South only remained at their posts, they could, with the help of their then party friends, hold in checkmate any policies inimical to the interests of the South that Lincoln and his Republican supporters might attempt to establish in the South. And on the other hand, by seceding from the Union and abandoning the vantage ground that they held in Congress, they made it easily possible for the Abolitionists and the extreme men of the North to control the situation and to put into practice the very laws which they were most earnest to defeat."

"Secession means war—war, abolition without compensation, and the loss of billions of dollars to the Southern people in the shrinkage that would ensue in other values."

"Hell bent upon secession," as an ex-Confederate put it to me, "the radicals replied with anonymous letters, fanatics warned him that to continue his opposition to secession would forfeit his life." But he stayed, and on the last roll in the Mississippi Convention of January, 1861, as a delegate from Adams County, Josiah Winchester is recorded against secession.

the other to make it as easy for them as possible to resume their loyal relations.

I heard Judge Winchester and my husband discuss the confiscation acts of 1861 and 1862, which became the basis for the Emancipation Proclamation. The acts were not absolutely inflexible, for they authorized the President to extend amnesty and pardon "*on such conditions as he may deem expedient for the public welfare.*"

The Confederate government had set the pace by the act of May 21, 1861, which sequestrated all debts due from citizens of the Confederate States to Northern individuals or corporations and commanded their payment into the Confederate treasury. The criticism of the law writers and publicists, that such laws are not humane nor based on justice, does not alter the fact that they are within the war powers of all governments. The existence of this power set my husband against war as one of the means of settling international difficulties, and he later used it with effect, as will appear in my story about the threatened clash with Great Britain in the Cleveland administration.

Cotton was King, but instead of being an aid, was one of the causes of the downfall of the Confederacy. One day as I was riding with my husband, I said to him as we passed some bales of cotton on the sidewalk, "I want a little of that cotton to fill my pincushions." "Not an ounce," he said, "can you have of it." Except under certain restrictions cotton was contraband. After the Mississippi River was opened, Union men were permitted by our government to sell their own cotton. What a premium on perjury! By statute, the Confederate government in 1861 required all cotton above what was necessary for home consumption to be turned over to it. The Southern people were interdicted from dealing in what they themselves raised. The theory was that withholding the sale of cotton would so embarrass England and France that

they would come to the aid of the Confederacy.[1] It was a mistaken policy and did much at the start to demoralize men in sympathy with the Confederacy and men in the Confederate army. Not all orders of the Confederate government to destroy cotton that would fall into the hands of the enemy were obeyed. Some Southern planters would conspire with men in the Confederate army to put their cotton through the Confederate and Union lines. All sorts of bribes were offered Union officers. The government secret service men were at all times alert. But still many men made fortunes. One officer who was dismissed from the army while I was at Natchez boasted as he was leaving that he had made $100,000 in the cotton trade after the fall of Vicksburg. Dismissal was no punishment to him. Another officer, whom General McPherson, at my husband's instance, removed from the command at Natchez, has a monument in the National Park at Vicksburg. General Grant did everything in his power to lessen this evil. From helping a planter get his cotton through the lines for a consideration—and there were men in both armies who did this—it was not far to actual stealing. And there were men in both armies who did that.

One of the brightest men it has been my pleasure to meet is James Surget, approaching four-score years, still living on "Cherry Grove" plantation, nine miles out of Natchez, where he was born and where his grandfather in 1787 established himself with his slaves—not the finest house but the handsomest grounds and trees in all the Natchez country. James Surget was another intimate of my husband at Natchez. In addition to "Cherry Grove," he owned two large plantations across the river in Concordia Parish, Louisiana, and one thousand slaves when the

[1] When it was apparent that New Orleans would fall, the Confederate government burned $80,000,000 worth of cotton stored there. Then, May 5, 1862, under authority of an act of the Confederate congress, General Beauregard ordered all cotton within five miles of the Mississippi River burned.

war began. Although he suffered a great loss in world's goods, the war did not break him.[1]

In discussing the war, Mr. Surget said to me:

"I voted against secession in 1861. I know it is contrary to the general impression, but the large slaveholder was against secession.[1] In the black belt along the Mississippi River, where the most of the slaves were, the vote was against secession. What the large planters wanted in 1861 was coöperation; that is, all the Cotton States threaten to go out in a body, but instead of going, accept guaranties or compensation rather than fight for our negroes. Never was there a man of character an overseer. This was the great drawback to the large slaveholders. But we were in the hands of the politicians, and for a time I followed them.

"When the order came May 5, 1862, to burn all the cotton within five miles of the river, acting under the direct orders of the provost marshal of our district, I burned 1200 bales of my own cotton on the Ashley plantation and 500 bales of my own cotton on the Waterloo plantation in Concordia Parish. I also, under the same order, burned 500 bales of cotton eight miles below Natchez on the Mississippi side that belonged to Washington Ford. After the war Ford sued me for $200,000 in the Circuit Court of Adams County, Mississippi, claiming the act of the Confederate Congress under which the military orders were issued for the burning of the cotton was void. I beat him before the jury, which was in part made up of negroes. The Supreme Court of the United States, Ford *vs.* Surget 97 U. S., held that while the acts of the Confederate Congress were void, the military duress I was under was a reality, and Ford had no recourse on me.

"Before the order came, I had a tip. My uncle, Jacob Surget, a Union man living in New York, was the owner of the Linwood plantation just below Natchez and within five miles of the river. On this plantation my uncle had

[1] "The large slave-holders as a class, uninfluenced by those who used the institution of slavery as a political weapon, would not have taken measures to break up the Union, because of Mr. Lincoln's election."—Blaine, "Twenty Years of Congress," Vol. 2, p. 75. See pages 6 and 7.

627 bales of the crop of 1861. I promptly hauled it to my place at 'Cherry Grove,' nine miles from the river. Then the order came to burn all cotton within ten miles of the river. I then moved this cotton to Kingston, fourteen miles from the river. After your husband was in command I hauled this cotton to Natchez preparatory to shipping it to my uncle in New York. Of the 627 bales, 600 were well packed and went forward without delay. The 27 were not properly packed for shipment and were held for repacking. While I was gone home the cotton thieves levied on these 27 bales. The following Monday I was back in Natchez and easily located and identified the cotton. Your husband gave me a peremptory order to the provost-marshal to see that these 27 bales were turned over to me. I presented the order to the provost-marshal. I was graciously received and given a written acknowledgement that the cotton was held subject to my order. I went to 'Cherry Grove' expecting to return the following Friday and ship the 27 bales on the boat scheduled to leave that day. Upon my return on Thursday, I learned that the day before, Wednesday, General Gresham had suddenly left for Vicksburg to join General Sherman on the Meridian campaign. I never again saw my uncle's 27 bales of cotton. But he realized $300,000 on the 600 bales I shipped him. He could have obtained $500,000, but he was holding for $600,000 and sold on a declining market."

Around that mess table at "Rosalie" I learned much. One day I heard my husband say, "Babbitt, we are operating under the war power so we can let negroes testify before the provost-marshal." Under the law as it then was in Mississippi, as in all the other Slave States, a freedman, no matter how small the strain—even one-sixteenth—could not testify in the Mississippi courts.

While my husband was in command at Natchez, a white man killed a negro, who was the aggressor. In his Emancipation Proclamation Mr. Lincoln had enjoined on the freedmen to work and to abstain from all violence unless

in necessary self-defense. The white man was admitted to bail, was advised to retain Judge Winchester, which he did, and was discharged on the ground of self-defense, although the negroes were called on to testify against him.

Soon after I reached Natchez, General Alonzo Thomas, the adjutant-general of the army, as the personal representative of the Secretary of War, arrived.

General Thomas's special mission was the enlistment of the negroes in the army. It was not General Grant's plan. My husband questioned its wisdom and so did General Crocker. Their idea was to keep the negroes on the plantations. But the men in the field were not in control. To Colonel Farrar, who commanded across the river at Vidalia, was intrusted the duty of inaugurating General Thomas's plan. Farrar was an honest man and he had many clashes with General Thomas. General Grant sustained Farrar whenever he could. In the Fall of 1863 Colonel Farrar organized what he called the Sixth United States Artillery Colored. He impressed the best able-bodied negroes and all the horses and bridles he could lay hands on. James Surget is my authority for the statement that the negro troops—and some of them had been his slaves and had witnessed harsh treatment at the hands of some of the Confederates—were most considerate to the white people.

The enlistment of the young able-bodied negroes operated as General Grant, General Crocker, and my husband feared. Those who remained behind were dissatisfied. They would not work on the plantations. They flocked to the towns, where the soldiers were camped. They were called "contrabands." Their presence in and about the army was an evil, and as there were not sufficient medical officers, disease spread.[1] There were a great many of them in and around Natchez, and they were a source of constant anxiety to my husband. Many were kept in an inclosure in "Natchez under the Hill." Out of the four hundred

[1] See pages 6 and 7.

negroes from James Surget's two plantations in Concordia Parish, Louisiana, who came to Natchez after July 4, 1863, he had the names of three hundred who had died by January 1, 1864. Drinking river water, which produced dysentery, was one of the prime causes of this great mortality. In bondage on the plantations, they had good medical attendance and good cistern water to drink. River water caused great sickness among the soldiers, and it was fatal to the contrabands. The cisterns about "Rosalie" were soon empty, and from drinking river water I myself was taken ill, and it was deemed best for me to go north.

Zealous in protecting the people in their homes, Walter Q. Gresham was severe in punishing robbery and rapine on the part of soldiers.[1]

[1] Captain John F. Jenkins, an ex-Confederate and a native of Natchez, writes me the following:

"General Gresham was a strenuous advocate of preserving the rights of non-combatants to their personal and real property. He enacted stern measures to repress any violence or robberies by the federal soldiery.

"A notable instance of General Gresham's activity in enforcing the law and order, and protecting the property rights of the non-combatants of the vicinity of Natchez, was the punishment of some of his soldiers for the robbery of a large amount of silver belonging to the estate of Dr. J. C. Jenkins, of which estate Judge Winchester happened to be the executor. The young ladies of the family, chaperoned by their governess, Madam Mitchelly, were living at 'Elgin,' the family home, about seven miles from the city of Natchez. About 10 o'clock P.M. some soldiers appeared at the front door and demanded to be admitted on the ground that they were ordered by their officers to search for arms. They were, of course, admitted, and as soon as they entered, the inmates of the house were all collected in one room and put under guard while the remaining soldiers ransacked the house, taking from the safes and closets about $1,000 in silverware. Among this silver were the drinking cups and spoons and knives and forks owned by Surgeon John F. Carmichael, who was a Revolutionary War veteran, and his commission signed by George Washington himself and countersigned by General Knox, the Secretary of War, was hanging on the wall of the room whence his silver was pilfered. The robbers, having secured their booty, retired without further molestation of the inmates. Early next day the ladies repaired to Natchez and informed Judge Winchester of the robbery. He accompanied them at once to the headquarters of General Gresham, who heard their story and then immediately set in motion all his secret service men. In three or four days the men were spotted, duly identified, and lodged in jail. In a very few days after, a court martial was organized, with many distinguished officers in charge. The court martial resulted in the conviction of the thieves, two of whom were sentenced to hard labor in the penitentiary for twenty years and one for ten years.

"This act of justice, and many others besides, endeared General Gresham to the hearts of the citizens of Natchez, and they grieved indeed when the vicissitudes of war removed him to another field of action.

"It is of interest that the cup of Surgeon Carmichael, as well as about twenty pieces of silver formerly belonging to the Revolutionary War veteran, were discovered some months afterwards in the possession of a colored woman. They were readily secured, and the cup still is held as a much prized relic of the Revolutionary War, as well as of the robbery of 'Elgin and the Civil War of 1863."

While I was at Natchez reconstruction in Mississippi was begun. And while General Thomas's mission concerned the status of the negro, the record is that he soon reported to the Secretary of War, "that in the opinion of General Crocker and General Gresham the time for reconstruction in Mississippi had come."

But it was not the kind that came later—that of Thaddeus Stevens and Charles Sumner. It was that of President Lincoln, General Grant, General Crocker, and General Gresham.

Before the war Adams County, including Natchez, was a Whig community. It sent a solid Union delegation to the Secession Convention. After the ordinance of secession was declared adopted and a referendum was denied, all the active young men, including those who had opposed secession, went into the Confederate army, and they were the longest to stay there. But some of the far-seeing men of means, while giving the semblance of their allegiance to the Confederacy, hedged against its failure by transferring their bank accounts from New Orleans to Liverpool and Paris.

It was not long—December 8, 1863—until Mr. Lincoln's Proclamation of Amnesty and Pardon came. It was most generous. It exempted only the highest civil and military officers of the Confederacy from its operation, but he assured these as complete pardon as was within his constitutional power if they would only return to their allegiance.

My husband interpreted this proclamation that no duress should be used in inducing men qualified to accept its terms. The published records of the War Department show that he ordered Colonel Farrar not to impress men in Louisiana into the United States army against their will. To Frank Surget he said, "The time will come, and it is not far distant, I believe, when you can take the oath of allegiance without running any risk of having your property

outside of our lines destroyed by the other side. Until then, continue as you are, and come and dine with me this evening."

At that time Mr. Surget had 500 bales of cotton at Woodville under the control of the Confederates, which would have been promptly destroyed, he said, if he took the oath. The richest man in Adams County, and one of the wealthiest in the South when the war began, the fact that he was forced to render it some aid at the start and finesse as long as part of his property was outside of the Union lines, may account for the belief that he was one of the ultra-secessionists. Neither is his loyalty to the Confederacy established by the fact that he afterwards told General Brayman, one of the political generals, "There are two things you can't do—you can't make me take the oath of allegiance and you can't break me." Most of Mr. Surget's cash was then in Liverpool and Paris. Man of intellect that he was, he knew he could get justice in the end. James Surget wanted to take the oath of allegiance in the Spring of 1864, but General Brayman would not allow him to do so until Mr. Surget threatened he would apply to General McPherson at Vicksburg and, if refused then, would appeal to President Lincoln. In other words, General Brayman would be paid for doing what it was his plain duty to do.

Before the advent of the "carpet-bagger," the robbery of the Southern people began. As General Grant had left it, there were handsome lace curtains in the Wilson parlors, the executive offices. A woman who traveled with Adjutant-General Thomas called on me. She said, "Why don't you crush these curtains?" "What do you mean?" I asked her. "Take them and ship them home." Her exit was precipitate. I went to my husband and told him the story. He said, "Tell Mrs. Wilson to remove her curtains at once. I may be ordered from here any day." This she did, and they were never in sight again until after

the close of the war. And there were other robbers than the Yankee soldiers. The "tax in kind"[1] was not always levied with a considerate, a delicate or an honest hand. There were Confederate officers who were said to have been "better tax collectors than fighters." Confederate currency soon became valueless. So most of all that was raised was levied on or taken by the Confederate government.

One day John W. Redding, a ten-year-old boy, unaccompanied, bolted into headquarters almost out of breath exclaiming, "General, the Yankees have taken all our saddles and bridles and I can't ride my pony." This was at the time Colonel Farrar was organizing his negro regiment of artillery and impressing negroes, horses, and bridles without regard to private rights. An orderly was sent for a saddle and bridle, and the boy went home happy. Another schoolboy, thirteen years of age, George W. Koontz, fared even worse, for Colonel Farrar had not only taken his saddle and bridle but his pony also. A call at headquarters restored to him his pony and equipment.

Henry Vaughn of Kingston, Adams County, years afterwards told me this story: "When only fifteen, I ran off and enlisted in the Confederate army. After a time, on account of my youth, my guardian secured my discharge. Upon reaching home I was told that my favorite filly, 'Puss,' had been stolen by some contraband negroes. I announced to my mother and my guardian my intention of going to Natchez in search of 'Puss.' Their opposition was so great that I stole off and rode a mule into Natchez — the pickets passed me through when I said I was going for a doctor. I hunted through the livery stables and all over the town for 'Puss' until finally I halted on Orleans Street, opposite 'Rosalie' and General Gresham's headquarters. While I was standing there an officer rode up on 'Puss,' dismounted, gave 'Puss's' rein to an orderly, and went into headquarters. After a time I entered the lawn, giving 'Puss' a caress as I passed. Then I went into General

[1] The "tax in kind" was one-tenth of all that was raised.

Gresham's office and told him 'Puss' was my animal and I would like to have her. The officer who had ridden her up admitted he had bought her from a negro. 'Young man, I don't doubt your statement, but it is not sufficient for me to act on,' said General Gresham to me. My answer was, 'Turn "Puss" loose on the lawn without saddle or bridle, and if I can't satisfy you she is mine, I will release all claims to her.' At first she went to picking. From behind a bush I called her, 'Puss, Puss.' She pricked up her ears, whinnied, and came to me. 'Down on your knees, "Puss."' Down she went. 'She is your animal,' said General Gresham, and in addition he gave me a pass through his lines."

Guards were furnished to many families, especially on the outskirts of the city. Mrs. Nancy W. Winston and her granddaughter, a miss of fifteen, Nannie W. Thornhill, lived at the head of Washington Street. With them were Mrs. Anne E. Stanton, the mother of "Tip," a gallant Confederate soldier. "Our men were all in the Confederate army," said Miss Thornhill, in telling the story. "We had been furnished a guard at night of two soldiers. One was an old man, the other a young soldier of twenty-two. Early evenings until bedtime they played cards and had music with us and then stood guard until sunrise, when they returned to camp. One day the household was thrown into consternation. The guards must leave with their regiment to go to Vicksburg. Grandmother did not know what to do, but on my insistence concluded to call on General Gresham, whom we had never met. The general readily agreed to leave us one guard but said it must be the old man. The reason he gave was that the young man was the better soldier and could stand the marching which was in store for them, where the old man might break down. 'But,' I said, 'we don't want the old man, we want the young man; the old man is stupid.' Finally the general agreed that we could draw straws as to which should go and which should stay. I was to superintend

the drawing. I did so and we got the younger soldier." Miss Thornhill became the wife of Lieutenant W. P. Callon, of the Fourth Illinois Cavalry, then on General Hatch's staff and subsequently a leading member of the bar of central Illinois. Mrs. Callon's husband died and she returned to her native city. Though eligible and of the bluest Southern blood, she is not one of the "Daughters."

After the Meridian campaign there was no work for real soldiers at Natchez. My husband followed General Sherman. The political generals who were left behind were subjected to all sorts of annoyances. Many people took the oath of allegiance, not intending to keep it, and did not do so. Sentinels were waylaid and shot down, and similar petty acts committed. But none of these acts justified the measures to which the authorities resorted. The testimony of the citizens of Natchez is, and in this they are corroborated by Colonel Farrar, that General Brayman not only was corrupt in money matters but made war on women.[1]

The following is an incident which illustrated some of the feminine traits—what the political generals would have considered an insult—that did not disturb the equanimity of General Gresham.

The Protestant Orphans' Home of Natchez was founded in 1816 and was made a State institution in 1821. It was controlled by a Board of Trustees composed of ladies of Natchez. It felt the ravages of war, and the time came when there was nothing with which to feed the orphans. The chairman of the board was appointed a committee to call on General Gresham and get the necessary rations to keep the orphans from starving. At "Rosalie" she addressed an orderly at the foot of the gallery, "I want to see General Gresham." "Walk in, Madam, and turn to the left." Looking up at the American flag that hung from the upper gallery, she said: "The orphans can starve before I will step under that flag. I would not go under it to get

[1] See page 249.

bread for my own children." (I am giving the woman's own account.) She wanted the orderly to ask the General to come out. This he refused to do. Finally she resorted to strategy. "Tell the General there is a lady outside who cannot ascend the gallery steps but who is very anxious to see him." Promptly the General appeared. "General," she said, "I am a Rebel. I am the president of the board of trustees of the Protestant Orphans' Home and I have been sent to request you to issue rations to keep the little ones from starving. But to save them from that fate, as well as the members of my own family if that be necessary, I would not step under your flag." According to her story, told years afterwards, this was the answer of the General: "I admire your frankness, but your sentiments will not cause us to allow your orphans to starve, and I will issue orders for all the necessary rations." Resuming her narration, this woman—or lady, for she was refined and cultured and a great church worker—said: "We got the rations, and didn't I bring that Yankee general down!" Southern women of good Confederate extraction acted thus. But the littleness of the sex is not plead in palliation of the corruption and wantonness of the political generals.

Another most accomplished woman, whose sympathies were with the Union but whose husband was in the Confederate army, told me how her younger sister did everything she could within the bounds of polite society to arouse my husband's Yankee sentiments. Never could she get a "rise" out of him. The former's claim against the government for property taken by the United States forces was, on my husband's statement, allowed.

Just one more incident. On the staff of the Confederate or Military Governor of Louisiana was Colonel Lemuel P. Conner, a citizen of Natchez. In December, 1863, camp measles extended to the children of Colonel Conner's family. Two of them had died and the others were very dangerously ill. January 10, 1864, Colonel Conner applied

to Brigadier General Gresham for permission to visit the remaining members of his family and for a safe conduct in and out of Natchez. It was promptly granted. March 27, 1916, Lemuel P. Conner, one of the sick children who survived, wrote me:

"Your husband granted the permission asked because he was a man before a soldier . . . . and showed to a suffering mortal the broad humanity which earned for him the respect, the esteem, and even the affection of our people here over whom for a time he was virtually the ruler.

"Away off yonder in the future when my descendants are reading the history of our country, of the terrible fratricidal strife in the sixties, and there shall come up the name of Walter Q. Gresham, they will recall it as the name of the man who was kind to their ancestor; for I am handing the story on down with directions to carry it to further generations; thus paying my small tribute of appreciation."

When I went north early in November, river travel was so hazardous that my husband sent me to Memphis in a "tin clad." Furthermore, he sent in my care an accomplished Southern woman who had made herself very offensive to the Federal authorities at Natchez by acting as a Rebel spy. General Crocker would not give her a safe conduct, and without this she was afraid to start north. General Crocker had been ordered away and W. Q. Gresham was in supreme command. The madame had had enough of war and wanted to get back to relatives in Missouri. We parted friends at Cairo.

CHAPTER XVII

MINOR CAMPAIGNS—RE-ENLISTMENTS

HARMFUL PROLONGATION OF THE WAR—AMERICA'S OBLIGATION TO OTHER LANDS—UNION REVERSE AT CHICKAMAUGA—MERIDIAN EXPEDITION LED BY GENERAL SHERMAN—WARFARE IN MISSISSIPPI AND LOUISIANA—CONFEDERATES THREATEN NATCHEZ—GENERAL GRESHAM COMMANDS EXPEDITION AGAINST FORT ADAMS—DANGERS OF MISSISSIPPI RIVER TRAVEL—THE MERIDIAN EXPEDITION—THIRTEENTH AMENDMENT RATIFIED BY SENATE, BUT OPPOSED IN THE HOUSE—RE-ENLISTMENT OF VETERANS.

AFTER the fall of Vicksburg, the Confederate defeat at Gettysburg, and the annihilation of the Morgan Raiders, Mr. Lincoln's overtures, which still held good, should have been accepted. "Had Alexander H. Stephens instead of Jefferson Davis been President of the Confederacy," James Surget said to me in 1914, "the war would have ended in the Summer of 1863, and we would have received something for our slaves." All along Mr. Lincoln had argued it would be cheaper to pay a reasonable amount for the slaves than to wage war for another year. The bitterness that he had manifested in 1858 had disappeared from his heart long before 1863.

The ability of the Confederate soldier, sustained and encouraged as he was by the women, to stay on the firing line to the last, cannot be pleaded in palliation of the Southern leadership—that of a single man. Military genius that he was, and no man could have done better with the crumbling Confederacy, Jefferson Davis was no statesman. He did not consider the position of his people. Vicksburg and Gettysburg, especially Vicksburg for

beyond cavil it revealed Grant's genius — demonstrated what Jefferson Davis himself had predicted, that the South could not win if it came to a final test of arms.

The other parties to the contest, over-seas, Russia on the one hand and England and France on the other, saw the handwriting on the wall. From the beginning Russia had been the friend of the United States. Now she was to come out in the open.

Think not that anything escaped the men, the brightest and most alert I ever met, who assembled around that mess table at "Rosalie," while I was there in September, October, and early November, 1863.

One morning at breakfast Cyrus Hall, as Colonel Hall was universally called, said: "England and France will now desert the Confederacy, for Russia with her men, her guns, and ships, has come out for the Union." "That is what this Russian fleet means in New York harbor," said Colonel Kent, another Illinois man. Colonel Bryant, of the Twelfth Wisconsin, said, "The Czar has freed his serfs and he is going to help us free the negroes; with him on our side, we can whip the Confederacy, England, and France combined." My husband voiced his heart's desire for peace: "Surely the men in Richmond will not longer press the contest." And then he said what he had said and written over and over, "The Southern people want the war to end." It subsequently developed (as well as anything is established without the official reports) that the sealed orders of the two Russian fleets — the one that first appeared in New York, the other in San Francisco harbor — required their respective admirals to report to the President of the United States if, on their arrival in American waters, they found the United States at war with England, or with England and France combined.

Later, in Washington, as a member of President Arthur's cabinet and Secretary of State under President Cleveland, it was my husband's pleasure to acknowledge the obliga-

tions of the United States to Russia for the aid Russia had rendered us during the Civil War. With Baron De Struve and Madam De Struve in President Arthur's time, and Prince Cantacuzene, the Russian Ambassador in Cleveland's second administration, our relations were more than cordial. The Baron and Madam De Struve were the best posted diplomats I ever met.

Going back to 1863,—of passing events, Jefferson Davis was the best informed of men. But he did not take his own people into his confidence. Bitterness then, as ever afterwards, seemed to be in the Confederate chieftain's heart.[1] I lived in constant dread of the suffering that might and did come to me, and toward the man who could but did not end the carnage after the civilized world and many of his faithful, gallant followers recognized the hopelessness of the contest,[2] I may be pardoned for cherishing some resentment. The acceptance of the generous terms Mr. Lincoln held out to the last involved no humiliation to the people who had helped make and whose destiny was bound up in the Union.

War in 1863, with the United States backed by Russia, would have swept the English commerce from the seas. Raising the blockade as the Laird Brothers' rams might have done, would not have stopped but would have accelerated the march of Sherman's armies to the sea.

As my husband had predicted, the invasion of Pennsylvania by Lee, and of Indiana and Ohio by "Morgan's

[1] In the *Rise and Fall of the Confederacy*, Vol. 1, page 2, Mr. Davis writes: "The Englishman's sense of fair play and the manly instincts which predisposes him to side with the weak, gave us hosts of friends, but all their good intentions were paralyzed or foiled by their wily minister of foreign affairs, Lord John Russell, and his coadjutor on this side, the artful, unscrupulous United States Secretary of State, William H. Seward."

[2] From the ranks of the Confederate army the cry went up, "We cannot win." The Irish Confederate General, Patrick R. Cleburne, who had received his military education in the English army, and his wit and generous sentiments along with his race, in an elaborate argument or memorial put it up to Jefferson Davis as Commander-in-Chief, that the only hope for the Confederacy was to free and arm the slaves. "So long as we cling to slavery, not even England or all Europe," argued General Cleburne, "can acknowledge our independence." General Lee, I was informed by Colonel Berkley of one of the Virginia regiments, verbally advised Mr. Davis to enroll and save the negro. When too late to do any good, the Confederate government attempted to carry out the plan.

horse thieves"—I use the expression as one of the times, not by way of reflection—proved a good thing for the Union cause.[1] Although Morgan often left better horses than he took, my father never was as strong a Secessionist or Rebel—for he never minced words—after that daring raid. One thorough-blooded Kentucky mare my father bought at the sale in Corydon of the broken-down Morgan stock soon recovered her "bottom," and at the Harrison County Fair in September, 1864, in the free-for-all, outdistanced all comers. She was named "Lady Morgan," and after years of service was given an honorable burial.

It was while I was at Natchez that General Grant went north, only stopping at "Natchez under the Hill" for a few minutes as the boat landed for fuel. He and many of his soldiers were drawn east by the Union reverse at Chickamauga. News of that battle, which was fought on September 19 and 20, 1863, came to us by newspaper and by the "grapevine." Then came a letter from Daniel G. Griffin, commanding the Thirty-eighth Indiana Volunteers. This letter was read at the breakfast table, and every word was carefully scanned. Colonel Griffin conceded that the enemy had the best of it. "But 't was to them a dear bought victory." The Thirty-eighth was in both days' battle, right at the front, under General Thomas, "the Rock of Chickamauga." Early the first day General Rosecrans fled from the field. On the night of the 19th the Thirty-eighth threw up some breastworks that helped protect them on the 20th. "Still, out of 330 men we lost 110. Major Carter was badly wounded, but will recover." There was a long list of the killed and wounded. The survivors retreated in good order under General Thomas to Chattanooga. "Colonel Scribner (the original colonel), not yet promoted, although General Thomas had recommended it, commanded the brigade. Thomas is the *beau ideal* of the Army of the Cumberland. General Grant and General Sherman are here. We are sure to end this war soon. We

[1] See pages 223–5.

expect to see you here before long." There were congratulations on winning the star, and sly digs at Captain Babbitt's convivial habits. The captain also had a letter from "Little Dan." I shall always remember one of Babbitt's remarks: "I never could understand how Dan Griffin, small in stature, who never uttered an oath and never took a drink of whiskey, had such marvelous command over the largest and roughest of men."

The fears of as strong a man as Frank Surget, that if he took the oath of allegiance his property outside of the Union lines would be destroyed, explain why my husband had military duties to perform while he remained at Natchez, and also, with all due deference to my Southern friends, make it plain that the war was not prosecuted from the Southern side with that consideration for the rights of noncombatants that they would have the historian always believe.

In addition to the Confederate troops—General Joe Johnston's in Mississippi,—who were outside of Vicksburg when it surrendered in the Summer and early Fall of 1863, the Confederate government raised in Mississippi alone some 7,000 troops and united them to Johnston's army. General Taylor, the son of President Taylor, was the Confederate commander in the Trans-Mississippi department. The seat of the Louisiana Confederate government under Governor Moore was in the saddle in northern and northwestern Louisiana. Colonel Harrison was the active man in that region. Wirt Adams, who had been promoted to a brigadier-generalcy, September 18, 1863, and who had commanded a regiment of cavalry up to that time, declining an office in Mr. Davis's cabinet when the Provisional Confederate Government was organized at Montgomery, commanded the Confederate forces in southern Mississippi. Meridian and the railroads running thence south and east were the source of supplies for the Confederate army, except beef, and that came from Texas. Adams would

threaten Natchez and other points on the river and then at some unguarded point pass arms and ammunition to Harrison on the west side and receive cattle in return. At one time Colonel Farrar captured 1,200 Texas cattle which were just on the point of being driven into the river to swim to the eastern side. They were all turned over to the United States commissary for the Union soldiers.

August 28, 1863, from Vicksburg General Grant wrote to General Crocker at Natchez, "I want that expedition against Harrisonburg to start as soon as possible." Harrisonburg was the county seat of Catahoula Parish, Louisiana, thirty-five miles northwest of Natchez on the Black River. In it was Fort Beauregard, which mounted some heavy guns. The expedition marched by way of Trinity on the Tensas River. It consisted of two brigades, one composed of four Illinois regiments, the Fourteenth, Fifteenth, Forty-sixth and Seventy-sixth, and Captain Powell's battery of the Second Illinois Artillery. This brigade was commanded by Colonel Cyrus Hall of the Sixteenth Illinois. The other brigade was commanded by General Gresham. It consisted of the Twelfth Wisconsin, Colonel George E. Bryant; the Fifty-third Indiana, Lieutenant-Colonel William Jones; the Twenty-eighth Illinois, Lieutenant-Colonel Richard Ritter; the Thirty-second Illinois, Major George H. English; and Spears' Fifteenth Ohio Battery, commanded by Lieutenant Burdick. Then there was the Seventeenth Illinois Infantry, mounted as cavalry.

There was much marching and skirmishing, and each side greatly overestimated the numbers of the other. On the nights of the 3d and 4th of September, Lieutenant-Colonel George W. Logan, in command of Fort Beauregard, sent off all the movable stores and supplies, spiked the guns, and set fire to and abandoned the fort. He did this because his scouts reported that Colonel Horace Randall could not reinforce him and he alone could not withstand a siege by Crocker's forces, which he estimated at 12,000 men.

This expedition was returning on the 6th of September as I arrived at Natchez. The next morning I was called to the upper gallery of "Rosalie" to witness a skirmish at Vidalia on the opposite side of the river, where Colonel Farrar was in command with only forty men and some negro troops. The negroes were not then relied on as soldiers, as they afterwards fully proved themselves to be. General Crocker had left his pontoon train to follow his command in from Trinity. A party of Confederate cavalry pursued it and charged into Vidalia as it reached the town, shooting and sabering right and left. Colonel Farrar, with his forty men, met them with a counter charge, and troops rushed across on the ferry, speedily captured some men, and driving off the balance pursued them into the swamps. It was thus that I saw some actual fighting during the war.

While at Natchez General Crocker at one period had 12,000 men under him. One day I saw General Gresham review 5,000 troops. After Generals Grant and Sherman went to Chattanooga and Knoxville the number of Federal troops in Mississippi was greatly reduced. General J. B. McPherson, who then commanded the Seventeenth Army Corps, was left in supreme command, with headquarters at Vicksburg. Natchez was attached to the Vicksburg district and General Crocker moved to Hebron, Mississippi. My husband was one of the men General McPherson relied on in Mississippi. They had an excellent spy organization. I have a letter General McPherson wrote my husband in which he said: "Send your secret service men out to Pearl River and to Jackson. I have the money to pay them." McPherson was then at Vicksburg and nearer to Jackson by sixty miles than my husband at Natchez. General Gresham was able to report the location of most of the commands of General Johnston's army, as for instance, Loring's division at Canton, General Jackson's brigade at Jackson, Johnston himself at Meridian; also of the individual

members of General Breckenridge's staff and escort who had enlisted from Adams County and were home in the Summer and Fall of 1863, recruiting. Years after the war, when I showed Lieutenant A. R. ("Tip") Stanton some of the memoranda my husband had collected, he said: "He had us located to a man." Furthermore he possessed accurate information as to who was supplying the Confederates with information from within our lines.

A few extracts from the numerous letters that came to me at this time will support my assertions and throw much light on conditions on the Mississippi between Memphis and Vicksburg and Natchez, and in Mississippi:

NATCHEZ, MISS.,
November 18, 1863

I have just received your letters written at Memphis, Cairo, and Louisville, and I assure you the intelligence that you arrived safe and found the children well has relieved me very much. I was getting very uneasy. I am sorry that mother is sick. I know that you will see that she does not suffer.

I was embarking my brigade on boats for Vicksburg Friday, when the Rebels commenced demonstrating in our rear and my orders were countermanded. Our pickets were driven in with a loss of five and seven wounded. I think we will leave here soon, so I may not see you this winter. It would not do for me to leave my command when there are prospects of work ahead.

VICKSBURG, MISS.,
November 25, 1863

We left Natchez Sunday and arrived here Monday evening. The navigation of the river above Natchez is attended with more peril than when you were down with us. The "Welcome" was fired into at Water Proof on Saturday and badly riddled. She was struck over 120 times with minie balls and two shells exploded in her cabin. Fortunately, no one was hurt.

Mrs. Crocker and Mrs. Lanstrance were aboard with their children. Water Proof is thirty miles above Natchez on the Louisiana side. As I came up Sunday I disembarked the Fifty-

third eighteen miles below Water Proof by the river and saw Morgan land below. We went up on the run, hoping to gobble the rebel force, but we were not fleet enough. We captured nine men and seventy odd wheels and horses, and gave the party a good chase. They had three cannon and would have fired on us and destroyed many lives if I had not marched across the land and driven them off before the boats arrived.

Colonel Johnson takes command of the port of Natchez with his regiment, the Twenty-eighth Illinois, which is detached from my command, the Thirtieth Missouri, and two negro regiments. The Twenty-third Indiana is at Big Black, and while it is not fully determined that I am to take that regiment in place of the Twenty-eighth, I do not think there is much doubt of it. General McPherson says I can have it if I want it. It would suit the Fifty-third and the Twenty-third very well to be together, and then I would like to get an Indiana regiment when opportunity offers.

I tried to slip off at Natchez but failed, and was besieged by men and women to stay. Mrs. Marshall cried at my going. General Crocker is here. General Smith is still at Natchez with his brigade, but he will soon come up. One of his colonels, Brown of the Third Iowa, has preferred charges against him. I think he will go the way of many other generals, on the shelf. You formed a very correct opinion of him at first sight. I think you are a very good judge of character.

I received your letter of the 11th inst. the day I left Natchez. Mr. Lownes of the "Benton" handed it to me. He says that Captain Grant of the "New National" told him that you captivated every one on the boat going up to Cairo. I am always pleased to hear you are making friends.

Cannot say how long we will remain here, but think we will move out to Big Black soon. General McPherson says he thinks he will send me on an expedition to Louisiana that will require ten days and require some fighting. I will know the day after to-morrow. We will likely remain here or at Big Black until spring.

VICKSBURG, MISS.,
December 4, 1863

I am now embarking with 700 cavalry and two regiments of infantry for a raid. I also have one section of artillery. I will

disembark at Rodney, strike out through the country, and come in at Fort Adams or Natchez; then I will cross the river and go up on the Louisiana side. I may have warm work. I will write again on my return.

Previous to the writing of this letter Confederate sympathizers, scouts, or spies had conveyed the information to the Confederate headquarters at Jackson that the garrison at Natchez, aside from the negroes, was down to only 800 troops. Up to that time the negro troops had not been tested. The night this letter was written a Union spy walked into General McPherson's headquarters in Vicksburg with the intelligence that General Wirt Adams with a strong column of cavalry and artillery was moving on Natchez. Had Adams succeeded in capturing Natchez, a Southern gentleman said to me afterwards, Fort Pillow would probably have been anticipated. There were then in Natchez 1,200 negro troops. But Captain Allen T. Bowie, General Adams's adjutant-general, a citizen of Natchez, and a most accomplished gentleman, who served his cause loyally from the first shot at Sumter until the surrender, tells me the Southern gentleman was mistaken about Fort Pillow being anticipated had Natchez been taken; that he understood Adams's instructions were to divert the enemy's attention from Greenville, Mississippi, at which point it had been planned to cross the river with ammunition for the Trans-Mississippi army; that it never was the intention to attack Natchez but to go to Ellis Cliffs, a high point seventeen miles below Natchez overlooking the Mississippi, and fire on passing boats. Adams County, of which Natchez was the county seat, was the home of many in Adams's command. "Still," said Captain Bowie, "I did n't actually know what were my general's orders or his ultimate plans."

At 11:15 P. M. of the day the last letter I have quoted was written to me, General McPherson issued this written order to Lieutenant-Colonel Currie, commanding the Marine Brigade:

You will proceed immediately on the expedition in command of Brigadier-General Gresham, nor will you delay the departure of his troops one moment. Take your orders from General Gresham. Let no delay on your part defeat the object of the expedition.

At 3 A.M. of the 5th, the Gresham expedition, with Fort Adams as its objective, was off. Stopping at Rodney for information, it was in Natchez by noon, a full half-day before Adams could reach there. Soon Adams had knowledge of the reinforcements going to Natchez.

The smoke of the steamboats, Captain Bowie said, was the first information the scouts brought. "Had General Adams really intended to take Natchez we could have been there before the reinforcements could have arrived, for we proceeded with a wagon train and by easy marches." Marching into Fayette County the Adams column camped the first night at "Travelers Rest" plantation, eleven miles southeast of Washington, the early capital of Mississippi lying six miles east of Natchez. The next morning General Adams went into Washington. Failing to come on and attack Natchez, General Gresham said that he "started after Adams." Sending the Marine Brigade, as it was called, northeast on the Pine Ridge Road, he took the Washington Road, due east out of Natchez, with the infantry, artillery, and cavalry. Near Washington he met Colonel Farrar, who had come over from Vidalia with his 300 cavalry and was scouting after Adams. Learning from Farrar that Adams with his whole command had passed through Washington, going south for Ellis Cliffs, seventeen miles south of Natchez on the Mississippi, presumably to fire on passing steamboats, Colonel Farrar was placed in command of all the cavalry and started in pursuit.

Taking the road that leads from Washington to the Lower Kingston Road, thence down the Kingston Road past Hedges, at 8 P.M. the Union column went into camp between the "Cherry Grove" plantation on the Kingston

Road and the "Beaux Pres" plantation on the Egypt Road. At Hedges, as he passed, Adams had burned the gin of A. S. Merrill of "Elmscourt," as a warning to Mr. Merrill that he should return to his allegiance. Adams was also said to have ordered Colonel J. S. Binghaman's plantation and "Richmond," the home of Levin R. Marshall, burned, but the details he sent for that purpose were driven off; as to this, however, Captain Bowie tells me my husband was wrongfully informed, and that there never was any purpose on General Adams's part to burn either Colonel Binghaman's place or "Richmond."

James Surget, the owner of "Linwood," was not then at home, while Robert Young, the owner of "Beaux Pres," was in the Confederate army. At 9 P. M. Colonel Farrar and his cavalry reached Beverly, where the Kingston and Ellis Cliffs Road crosses the Natchez and Woodville Road at right angles. Adams reached Ellis Cliffs with part of his command but did not tarry to fire at any passing steamboats. He marched thence with the major part of his command northwest three miles to "Laurel Hill" plantation on the Woodville Road and two miles north of Beverly. The road between Ellis Cliffs and "Laurel Hill," winding through very narrow cuts and with almost perpendicular ascents, was no place for artillery. Said Sergeant Lindsay in 1916, "We kept the artillery on the road between Beverly and Ellis Cliffs, where it could readily move east."

The mansion at "Laurel Hill," built in Spanish days, on one of the most beautiful sites in the Mississippi valley, is still standing in a good state of preservation. It belonged to Doctor Mercer, a gentleman who visited my husband at "Rosalie," and in December, 1863, was occupied by William Shields, lieutenant-commander in the United States Navy, retired. "Captain Shields gave us an elegant dinner," said Captain Bowie, "for which I gave him an order, that it might appear, should General Gresham come along, that it was not voluntary."

At midnight General Gresham learned of the positions of Farrar and Adams. Could Farrar hold Beverly, Adams's retreat to the south or east was cut off. Sending Farrar word to hold the crossroads if possible, at 3 A. M. the Gresham column was on the march, and although, as he wrote me, "I marched my men unmercifully, I was unable to make the crossroads at Beverly before Adams forced Farrar to fall back." The Gresham command left the Egypt Road at Mitchel's Ford, crossing Second Creek at that point, thence down the Independence Road, through "Independence" plantation, and when within two miles of Beverly but still on the Independence Road and north of its junction with the east and west road through Beverly to Kingston, they met Colonel Farrar falling back, skirmishing with the enemy. Adams had dismounted most of his cavalry and cut across the country in addition to pressing Farrar on the road into Beverly. Sergeant Lindsay of General Adams's artillery, still hale and hearty at seventy-five, in 1916 related to me this skirmish as he saw it:

"The night before the skirmish we rested on our arms in the road between Ellis Cliffs and Beverly; long before daylight we were on the move, and at daylight opened on the Federal cavalry at Beverly, preceding the advance of the Eleventh and Seventeenth Arkansas under Colonel Griffith, dismounted and thrown out as skirmishers. Meantime, Colonel Dumontiel of the Fourteenth Confederate Cavalry under orders pressed the enemy's left flank. The Wirt Adams regiment, the wagon train, and the rear guard followed."

In this skirmish between Farrar and Adams, two men were killed and four wounded, one of the wounded being Captain Waullow of the Fourth Illinois. What was then an open cultivated country is now, owing to the boll weevil and other causes, largely abandoned as farming land. Second growth timber pines are taking the place of the native trees.

Doctor Scott owned "Independence" plantation. On it were about forty negro slaves, many of whom had been brought from Forrest Home twenty miles up in Jefferson County when the war first began. One of them, a very intelligent colored man, Charles Wood, whom Captain John F. Jenkins had known from boyhood, witnessed the cavalry skirmish and helped bury one of the Yankee soldiers where he fell, "face downward, so he could not scratch out." "Many of the negroes were still loyal and gave us information the same as they did to the Yankees," said Captain Bowie.

Adams then being in possession of the junction of the Independence and Kingston roads, and having his line of retreat open to the east, a retreat was sounded in order to decoy him north of Second Creek, with a view to turning on him while he would be in the low bottoms north of Second Creek. The cannon was planted in a thicket below the mansion at "Beaux Pres," since burned, so as to sweep the bottom and the ford. But Adams would not cross. He retreated to Kingston, and thence to Meadville. Captain Bowie said, "We knew of the masked battery. We did not want to charge over ground that our enemy had chosen, and besides, the object of our expedition had been accomplished, as I believed."

In his report to General McPherson, General Gresham said: "General Adams has two ten-pound Parrot guns, four six-pound rifle guns, and four twelve-pounders, and at least 2,500 men — perhaps more — that much you can rely on. Doctor Lyle of this place saw Adams Saturday and talked with him, and counted ten pieces of artillery. He described the artillery and the men as above." Doctor Lyle was then and long afterward one of the leading physicians of Natchez, and never was there any question in Natchez of his loyalty to the Confederacy until, years afterwards, I showed in Natchez a copy of this report to General McPherson.

Doctor Lyle had been with the Confederates at Shiloh as a surgeon. He probably had seen enough of war. He and every man, especially any ex-Confederate, and there were several in and about Natchez who had been incapacitated for the field by wounds, were always welcome at headquarters at "Rosalie." There was the cigar and the toddy to the Southern man's taste, and no man could be more cordial and considerate of the sensibilities of his guests than my husband. At that time he considered he was fortunate in being able to show by his conduct "that a return to their former allegiance involved no humiliation." Besides, there were McPherson's instructions and money to pay all bills. What kind of vouchers ultimately went into the Treasury Department some other historian than I must write of. So if the good doctor yielded to his impulses and gave or got information for the Yankees' general, he must not be censured for helping end a cause which he knew was bound to be lost and which he may have regarded with misgivings even before Gettysburg and Vicksburg.

That Doctor Lyle was met in the public road south of Washington by General Adams's command at or about the time stated in the report to General McPherson, Captain Bowie says is true. Furthermore, Bowie says that he required two Confederate troopers to restore the horses that these two soldiers were taking from the good doctor. Captain Bowie had known the doctor before the war and kept up the acquaintance until his death.

But the accuracy of the doctor's report Captain Bowie questions. "Wirt Adams had but six efficient guns." A section of King's mounted artillery was commanded by Lieutenant Johnson and Sergeant George W. Lindsay. In March, 1916, Sergeant Lindsay said: "My recollection is we had eight guns."

Continuing, Captain Bowie said: "We had 1,700 or 1,800 men —the original Wirt Adams regiment, then called the Wood regiment and commanded by Colonel R. C. Wood.

I remember Colonel Dumontiel commanded the Fourteenth Confederate Cavalry. Colonel Griffith commanded two regiments of Arkansas mounted infantry, the Eleventh and Seventeenth consolidated into one. Before being mounted these regiments had carried positions at the point of the bayonet, and although mounted retained the same arms and accoutrements, even their drums for camp signals. They were mounted infantry in every sense of the term. Our troops were seasoned veterans, the remnants of the flower of the Confederate calvary, and our general a brave, capable, and experienced leader." Captain Bowie concluded with a statement that is undoubtedly true of both sides: "Many details and orders never were recorded and the records of many others were destroyed."

To illustrate what a scout or spy could do, Sergeant Lindsay, while on a leave of absence from Wirt Adams's command, went into Natchez, stayed all night with a good Confederate family, the Holdens, and the next morning called on the Yankee provost-marshal and secured a pass out of Natchez. He represented to the provost-marshal that he was a Missourian who had been caught in Mississippi when the war began and could not get out, that he had escaped conscription by taking to the swamps when the drafting officers came about. Armed with his pass, Lindsay hired a horse and buggy from Joe Bontura, drove out in good style and carried with him a lot of medicines, contraband of war. (After the war Lindsay returned to Bontura his buggy and another horse.) A few days later, while stopping with a friend near Kingston, Lindsay learned that three Confederate deserters, "Jayhawkers," were in his vicinity. These men had stolen a lot of horses and negroes and were making for Georgia for the purpose of selling them. The Emancipation Proclamation was not yet in effect in Georgia. One of these "Jayhawkers," John Benton, previously married to six Mississippi women and who had but recently at Woodville married his seventh wife,

was making his boast that before the war closed he would have a wife in every county in Mississippi. With the aid of a single man Lindsay surprised these "Jayhawkers" as they were crossing Second Creek, making for the Homochitto Swamps, killed them and restored the stolen property to the owners.

"General Gresham heard of the affair," said Sergeant Lindsay in 1916. "He sent me word I had rendered a service to both sides, that he had heard I was short of clothes, and if I would come to Natchez he would have made for me a brand new Confederate uniform and provide a safe conduct in and out, which was evidenced by a pass. Although I had no doubt, from what I had heard of him, of his good faith, I feared I might be misunderstood if I accepted his offer. Besides, I was operating without orders and might meet a court martial on my return to my command; but on the contrary, I received the same commendation from General Adams that I had from General Gresham, for whom I always had a great admiration, and it has been one of my regrets that I never met him. I never regarded him as a 'Yankee.'"

This incident of Sergeant Lindsay will at least tend to explain why Walter Q. Gresham, while still on crutches, said, "I will swap a carpet-bagger or a scalawag for a good Confederate soldier any day."[1] By this I do not mean to condemn all men who went South or settled in the South after the war.

HEADQUARTERS, UNITED STATES FORCES,
NATCHEZ, December 26, 1863

Christmas is over, but it is holiday here yet. I was very busy yesterday, as usual. . . .

I can't say that I had a merry Christmas, for I felt that I ought to be at home. Since I entered the service I have never felt so blue at being separated from you and the children as I did yesterday. I hope it was not the case with you. I do not

[1] Introductory, page xxi.

understand why you don't come to me when the opportunity is afforded.

I went out to Mr. Sam Davis' yesterday at 4 P. M. to dine. The party consisted of Mr. and Mrs. Davis, Dr. and Mrs. Page and the two Miss Pages, Doctor Carter, Mr. Sargent, Mr. Elijah Smith, Captain Babbitt and myself. It was the finest dinner I ever sat down to. I saw Judge McMurran to-day and he and Mrs. McMurran desire to be remembered to you. I don't go out much for several reasons, the main one of which is because I have no time.

I neglected to say that Mrs. Page sends her kindest regards to you. I am at her home more frequently than at any other place. She informed me this morning that she would present me with a pair of elegant slippers as a New Year's present, the work of her own hands.

I wrote you a week or more ago to come down, if you wished to. The navigation of the river is not so perilous now as it was some time back. If you have not started before this reaches you, I will still say, do as you think best about bringing the children. I would like to see them, but I don't like to ask you to bring them along, for fear something might happen.

A later letter from Vicksburg began with this sentence: "A boat was fired on at Rodney yesterday and two women killed." It closed with an intimation that I did not have a very great affection for my husband when I neglected an opportunity to come to him when he could not get home.

Running the gantlet from Memphis to Natchez on a frail Mississippi River steamboat did not seem to me an ideal opportunity to visit my husband, but finally, on the last day of January, 1864, I mustered up my courage, took my two children, and went from New Albany by rail to Cairo, thence to Memphis by a steamboat, and there late in the afternoon transferred to another boat. Memphis was out of sight when I discovered our boat was loaded to the guards, as the saying is, with powder and ammunition. The cargo was in the hold and I saw no evidence of it when I went on the boat.

In those days it seemed a legitimate act of war to prevent ammunition getting to the Yankee soldiers. Perhaps because the Rebels were shooting from the bank there was no representation on Mr. Lincoln's part to the President of the Confederate States of America, that the latter was not making war according to the ancient humane rules of warfare. While the Confederates did not discriminate between boats carrying ammunition and those that did not, still as their spies endeavored to send advance information as to the boats carrying ammunition, the hazards were immeasurably greater on the former than on the latter. On a boat without ammunition one might get through. With my knowledge of conditions on the Mississippi at that time, let no one believe I would have gone on that boat at Memphis had I known it was loaded with ammunition.

We ate supper by dim lights and then all lights were extinguished. "I expect to be fired on to-night," the captain said. I put my children to bed with their clothes on and sat in the cabin by their stateroom door. I could hear the throb of the engines as the boat was crowded to her utmost speed, as I had heard the captain say he would do, to get through.

The boat ahead of us was fired into and sunk, and the boat behind us was riddled, but we went through without even a shot being fired at us. At the landing at Vicksburg I was met by Mr. James Doll of New Albany, who told me my husband was on what was called the Meridian Expedition. Mr. Doll was then conducting a sutlers' store in Vicksburg. From the note Mr. Doll handed me from my husband, dated Vicksburg, January 25, 1864, I quote:

> I arrived here yesterday with part of my command, the Twelfth Wisconsin and the Thirty-second Illinois, to join an expedition eastward. We may have a good time and we may not. We go strong enough to take care of ourselves almost anywhere.

Meanwhile, I went to board at the house at which Mrs. Davis, the wife of the lieutenant-colonel of the Twenty-third Indiana, with her children, was stopping. I was there several weeks. The cannonball holes were still in the houses, and the children played in the caves that the people made during the siege. I remember one morning when we got up, the hills were fringed with snow, an unusual sight for Vicksburg.

General Sherman's army comprised 20,000 men,—two divisions under General Hurlbut, who came down from Memphis, and two divisions under General McPherson. One of McPherson's divisions was commanded by General Crocker. In Crocker's division General Gresham commanded a brigade. General Sooey Smith was to move from Memphis to Meridian with 7,000 cavalry and defeat Forrest on the way. General Smith failed to defeat Forrest and never reached Meridian, but otherwise the expedition was a success. Out and back, they marched from 370 to 400 miles.

The purpose of the Meridian Expedition was to destroy the supplies and foundries at Meridian, 150 miles east of Vicksburg, at the junction of the Mobile and Ohio Railroad and the Vicksburg and Selma Railroad, also the railroads north and south, and east and west of Meridian, as well as all personal property that had been and could be of any possible use to sustain an army in the field. General Sherman's destruction of private property the Southern people never could understand. On the other hand, to fire into steamboats on the Mississippi without first ascertaining whether they were carrying arms to the enemy, to say nothing of giving the passengers an opportunity to get off, was a departure from the previous rules of war.

That the work of destruction and devastation, in which I have heard my husband repeatedly declare he had no heart, was most thoroughly done, I afterwards learned from

many of the Southern people. It was perhaps more complete than was visited on other sections of the country during the war. I heard the discussion afterwards and saw many of the orders, which were most specific, to destroy everything, even of a private nature, that could be used by the enemy.[1]

As they returned from the Meridian Expedition, my husband sent for me to meet him at General Crocker's headquarters at Hebron on Black River, nine miles northeast of Vicksburg. I left Vicksburg March 4, 1864, with my children, in an ambulance at nine o'clock in the morning, expecting to reach General Crocker's headquarters at early noon. Instead, it was five o'clock in the evening when we arrived there. Soon after leaving Vicksburg we met the head of a column of 10,000 "contraband" negroes, as they were called, moving to Vicksburg. At times the crowds would be so dense that we would be compelled to drive into the fields; then there would be a break and we would drive on perhaps a half mile or more, when the throng would block the road and we would be forced to the side. They seemed to sweep the earth.

It would be invaluable now to have photographs of those scenes. The blacks were in all kinds of vehicles, family carriages, farm wagons, sutler wagons, on horseback, on mules, on oxen, and on foot. What was once a handsome family carriage would be drawn by a horse and a mule, or a mule and an ox. One colored woman had on a French bonnet, another a Paisley shawl, another had a lace parasol, and many had some admired article of some woman of affluence. Some of the men wore silk hats yet were without coats; all showed unmistakable evidences of the ravages

[1] I quote from W. Q. Gresham's report to General Crocker, commanding the Fourth Division, Seventeenth Army Corps. This report went to General Sherman finally. "Two miles south of Quitman I destroyed a large covered railroad bridge over the Chickasha, 210 feet long. At the same place I destroyed 1,700 feet of trestle from 10 to 30 feet high. I also destroyed all the bridges and trestles over Alligator Swamp, which were a mile and a half in length and from 11 to 32 feet high. For two miles north of Alligator Swamp I destroyed the road, burning the ties, and heating and bending the rails."

of war. Many of the sutler wagons were loaded to overflowing with pickaninnies.

We were welcomed by General Crocker in the Hebron mansion, which he occupied as his headquarters. It was a double house in the Colonial style, with a wide gallery and the conventional columns in front. One half of it General Crocker had assigned to my husband and his staff. Hebron proper was a store and postoffice a mile and a half away. Black River was a couple of miles east, and the point where the Vicksburg & Jackson Railroad crossed Black River was several miles southeast. There were military roads and camps in every direction. Fifty years later, when I visited Hebron, only the ruins of the mansion remained. To every soldier in Sherman's army Hebron was a well-known place.

Within an hour after being greeted by General Crocker, I was called out to meet my husband riding at the head of a party returning from "their raid," as Captain Babbitt called it. It was a happy party. My husband was always fond of a joke "on the other fellow." He deprecated all wanton foraging, against which General McPherson had issued strict orders. And when Babbitt drew attention to the fact that there was an onion in General Gresham's coat-tail pocket — which Babbitt had slipped in as they dismounted from their horses — my husband was palpably annoyed. Onions were a luxury at that time in Sherman's army.

That evening we were all General Crocker's guests for dinner, at which the talk was about the war. After dinner the General directed the conversation by saying: "Mrs. Gresham witnessed a sight to-day she will never forget." General Crocker was as much a master of his profession — the law — as Grant and Sherman were of theirs. His strong legal mind made things clear to the average mind. He had newspapers, Congressional records, and all kinds of political pamphlets. "That Thirteenth Amendment

which my Iowa man started through the House [James F. Wilson, December 14, 1863] has been reported favorably by the Judiciary Committee of the Senate [February 10, 1864] and will undoubtedly pass that body by the requisite two-thirds, but what do you men from Indiana think when I tell you that dough-faced senator of yours is opposed to making the negroes, in theory as they are in fact, free?" Democrat that he always was, Marcus M. Crocker was particularly severe on Thomas A. Hendricks. Chafing at his physical disability, tuberculosis, which had kept him from going to Meridian, he gave full rein to the violence of his language. He had written to and had letters from James F. Wilson.

On the military side General Crocker, according to General Grant, was one of the volunteers who was fit to command a corps or army; on the civil side, he must have been one of the men Mr. Lincoln had in mind, "fit for any position." When the war broke out, he was a leading lawyer of Des Moines. Always a Democrat in politics except as to prosecuting the war to a finish, General Crocker opposed visiting the pains and penalties of treason on the Southern people and was emphatic that the negro should be kept on the plantations. He was for making the freedmen citizens but not voters.

The discussion went on until a late hour. That there would be bitterness and resentment toward the blacks, that it was a misfortune for them to leave the plantations, that many would become drones and vagabonds, that they must for a time be the wards of a nation, and that they should be made citizens with the right to sue and testify in court, all were agreed, but that the men of that motley crew should be given the ballot, not a single man who was present that evening suggested, and when it was later proposed, these men were against it. The denunciation of Senator Thomas A. Hendricks of Indiana then and later was the most bitter and severe I ever heard. Of charming personality, forcible,

an accomplished debater and an adept in the art of managing men, Thomas A. Hendricks unfortunately fitted into that class of Democrats described by Governor Morton as men "riding backwards in a railroad train. They never see the right side of a measure until the train passes it." During our stay at Hebron the debate in the Senate on the proposed Thirteenth Amendment continued.[1] April 6, 1864, by a vote of thirty-eight to six the Senate voted to ratify it. The six votes in the negative were cast by Senator Hendricks, Senator McDougall of California, and two senators from Kentucky and two from Delaware, but in the House Senator Hendricks's influence prevented its passage. Every Democrat in the House from Indiana voted against its submission. At the election in the Fall of 1862 the Democrats had carried Pennsylvania, Ohio, Indiana and Illinois.

The coming expiration of the term of service of many of General Sherman's command suspended his operations. Otherwise he would most likely have gone to Selma or Mobile. At least this was my husband's view. The government did not wait for the period of enlistment to arrive, but took time by the forelock. Before the Meridian Expedition began, inducements and powerful pressure were brought to bear on the veterans to re-enlist. This was to counteract the appeals of the "Dough-faces" and the "Copperheads" — I am using the language of the times — to the three-year men to refuse to re-enlist and thereby end the war. Emissaries were sent to them and letters were written to them. Walter Q. Gresham was one of the officers who was assigned, but not by any formal order, to speak and personally appeal in February and March, 1864, to the veterans to re-enlist. Unfortunately none of the speeches of the soldier orators of that time were preserved.

[1] Senator John B. Henderson, the slaveholder of Missouri, and Reverdy Johnson of Maryland spoke in favor of it, while Thomas A. Hendricks's voice was against it.

In the Missouri Constitutional Convention of 1863, Judge Breckenridge said: "Two years of war to perpetuate slavery has done more for abolition than all the Abolitionists. The young and able-bodied farm-hands are running away, leaving only the aged and infirm. The way to keep the able-bodied workmen is to abolish slavery at once."

Among the papers General Crocker had for my husband was an account of a mass meeting held February 3, 1863, in Shelbyville, Indiana, Senator Hendricks's home. There were Democrats from that town and county in Sherman's army and throughout the armies of the Union. In his speech the Senator had said:

Gentlemen, what is the effect upon you at home when you see the purpose of this war changed from a contest for the Union and Constitution to a contest to free the negroes? What is the effect upon your manly pride? What is the effect upon the army in the field? I think I can comprehend something of the honor, something of the pride the soldier feels as he stands upon the field and the missiles of death are flying around him. In the midst of that trying scene, testing all the high qualities of a soldier, when he looks up to that flag and thinks it the emblem of the United States under the Constitution, when he is fighting the battles of that flag, he feels that he is fighting a glorious war, and he can do his duty faithfully. But when the proclamation of January 1, 1863, is issued, and he is told that he shall make it his business to fight to make negroes free, where has the pride of the soldier gone? Can he fight in such a battle as that? He cannot do it.

Then after playing on the prejudice that existed against admitting the negro to the ranks, Senator Hendricks used these expressions:

We have elected a majority of the next House of Representatives. . . . But that Congress will not meet until next December and until that time the government will be under the control of the Abolitionists. It may be that events will settle the question before that time. If it goes on a little while longer as it has been going since the President issued his proclamation, it is going against us.

Walter Q. Gresham's retort to this argument was:

When it was simply a question of the Union and the Constitution in 1861 and 1862, did Thomas A. Hendricks advise any man to enlist? On the contrary, you know he advised exactly the contrary. Re-enlist, and before that dishonorable Congress

will have adjourned, the honorable man in the field with a gun in his hands will have surrendered.

In the convention that nominated Horatio Seymour for Governor of New York in 1864, the house was brought down when Judge Miller of Ohio said: "*There is no real difference between a War Democrat and an Abolitionist — they are links of one sausage, made out of the same dog.*" While expressions like these encouraged the Southern leaders and their soldiers to continue the fight, on the other hand, they aroused the Democratic veteran to a fury that led him to re-enlist.

A single instance will illustrate the workings of the soldier mind and show how the "Dough-face" and the "Copperhead" failed to understand him. Adam Stoker was one of Ben Gresham's Third Indiana Cavalry men, who, in May, 1864, although but two years out of his teens, had finished his term of three years' service and returned home declaring he had had enough of war. He had been at Fredericksburg, Chancellorsville, Antietam, Gettysburg and in almost every other engagement in which the Army of the Potomac had participated. "I was Colonel Ben's orderly when he called on Joe Hooker, and told him how he thought the Army of the Potomac should be handled." Adam was a Democrat, born in Lanesville of German parents, and had been reared in the Roman Catholic faith, as were most of the Germans of that neighborhood. The day following his return he went to Lanesville and walked into Antone Endris' saloon, where a dozen men were standing, half of whom belonged to the Knights of the Golden Circle. He ordered drinks for the crowd, in honor of the government of the United States. As Antone set out the glasses, he said with a sneer, "Adam, I'm glad you're through fighting for them baboons." Adam flared up, and with many expressions that would not look well in print, exclaimed: "Antone, when Father Alfonzo takes that baboon into the confessional and grants him absolution, hasn't that baboon

got as good a soul as you?" Friends had a hard time preventing a fight, and the next day Adam rode to Corydon, hunted up Samuel J. Wright, the enrolling officer for our district, and re-enlisted for the war. Later Adam was at Appomattox and, although never very devout, was hale and hearty at three-score and ten.

Perhaps due consideration was not shown the man who did not want to re-enlist. But few could stand it to become an object of suspicion, to be considered a coward, a traitor. Only one man of all those Walter Q. Gresham went after, did he fail to induce to re-enlist. Sergeant Abel of the Twenty-third Indiana was that man. Under threats of being reduced to the ranks, Abel remained firm. For twenty-eight years he cherished his resentment and only forgave that brigadier-general when the latter voted for Grover Cleveland in 1892. At Hebron, Mississippi, the Twenty-third and Fifty-third Indiana Volunteers almost bodily re-enlisted under the promise of a furlough home. The same was true of all other regiments then in Mississippi.

If the government at Richmond did not appreciate the situation, the Southern press did. Commenting on the re-enlistments of the Union soldiers, the Richmond *Examiner* expressed its regret, while the Mobile *Register* said, "And we are called upon to believe that mobs of raw recruits, half starved and poorly equipped, are to do next spring what veterans have not been able to do after three years' hard and repeated trials."

At Hebron we lived in the mansion but had our meals in camp. General Crocker's cook was a tall bony contraband. She persisted in regarding me as a Yankee. She would not believe I was from Kentucky. My woman's instinct concluded, what the general officers scouted at, that she was a spy. To the very last, what many of my New England friends cannot believe and understand, the negro was unswervingly loyal to his master, and in many instances, as I have heard ex-Confederate officers say,

negroes served as Confederate spies. Vegetables were very scarce at Hebron. I was the curiosity of the camp when I undertook to do some cooking over a campfire because I tired of army rations. In trying to make a cake I asked for some milk. "Wait until I milk the cow," said a soldier. It reminded me of Memphis. The soldiers almost killed our children by feeding them everything they ate themselves and could buy at the sutler's.

I left Black River with a brigade under my husband's command bound for the North as veterans on veterans' furlough. At Vicksburg Mrs. Davis and I demurred about going on boats with soldiers. But we finally went on the boat that carried the Fifty-third and Twenty-third Indiana regiments, packed in like sardines. The rear of the long cabin was partitioned off for the officers and their headquarters. The soldiers occupied the front cabin, the lower or boiler deck, the "Texas," and outside the cabins on the guards. They slept out with nothing but their blankets and apparently enjoyed it. They played cards, drank, talked politics, cursed Tom Hendricks and the "Copperheads," and boasted of what they would do when they got back to the front. They cooked on the boiler deck around the engines and in the cabins. The boat was on fire a great many times—continuously so, it seemed to me. One night I roused my husband and told him to put my children and myself on shore. He pacified me by putting a guard around the boiler. It was almost as dangerous as going from Memphis to Vicksburg on a boat loaded with ammunition and expecting to be fired on any minute.

Late one cold, clear night we landed at Evansville. The guards were carpeted with sleeping forms covered only with a blanket, with a knapsack for a pillow. The river was high and we were well up to the level of the city. Suddenly the stillness was broken by a gun fired from the bow of the boat. Instantly, it seemed, every sleeping form was on its feet and every musket discharged. Evansville was

alive, men and women were in the streets and down to the levee, to the great amusement of the "boys." Perhaps this was not discipline, the professional soldier will say; but every one of these men was a sovereign. General Sherman was waiting for them, and he was more considerate of their lives than of the lives of his generals.

The next morning, at Rockport, Colonel Jones and half of the Fifty-third left us. The following morning we tied up at the ship yard at lower New Albany. Soon the camp-fires were burning on the river bank, and I had the first moment of relief since leaving Vicksburg. Men and officers scattered to their homes. The Twenty-third Indiana, as stated before, had been organized at New Albany. Its colonel, W. L. Sanderson, and its Lieutenant-Colonel, W. P. Davis, were residents there. It was the home of Captain Babbitt and many others, and great was the joy.

CHAPTER XVIII

THE ATLANTA CAMPAIGN

GRESHAM APPOINTED TO TAKE CROCKER'S COMMAND—BATTLE OF KENESAW MOUNTAIN—A SOLDIER'S VIEW OF THE DIFFERENCE BETWEEN GRANT AND SHERMAN AS COMMANDERS—GRESHAM WOUNDED AT ATLANTA—CARRIED TO NEW ALBANY—McPHERSON'S DEATH—GRESHAM DISABLED FOR FIVE YEARS.

MY husband's orders, after a short furlough, were to return to Natchez and take command there. But General Sherman, whose activities were about to be renewed by the return of the furloughed veterans, had other work for these veterans and for the brigadier who had been used to induce them to re-enlist. Our happiness was cut short by an order from General McPherson for General Gresham to leave for Cairo, there to take command of a division of furloughed men who were assembling, and then join General Sherman's army as part of the Seventeenth Army Corps of the Army of the Tennessee, commanded by General McPherson in the advance on Atlanta.

Soon the letters began coming. In my anxiety I studied my map. From Cairo, under date of April 27, 1864:

I leave here tonight at 12 o'clock with my division. I have two brigades commanded by Colonel Malloy of the Seventeenth Wisconsin and Colonel Potts of the Twenty-third Ohio; we also have the First Minnesota Battery and a hospital corps. We go up the Tennessee River and receive orders again at Clifton, which is about thirty miles below Savannah, Tennessee. We will likely go from there to Huntsville by way of Pulaski.

Captain Babbitt is not here yet. I suppose he is drunk.

In one of the letters after they reached Clifton is this sentence: "Babbitt is marching with his company." In

the field Babbitt always proved his worth. From a letter of July 15, 1864, Chattahoochee, Georgia, I quote:

The non-veterans of the Twenty-third will go home in a few days. Captain Babbitt has been selected for lieutenant-colonel of the regiment, and his trip home is to get his commission. Babbitt is a gallant officer and I am glad he has been or is about to be promoted. He is a devoted friend of mine, notwithstanding I have blown him up on more than one occasion. He will make a good colonel. Colonel Jones of the Fifty-third will resign as soon as this campaign is ended. The old man is failing in strength, and he feels it.

But a cannon ball anticipated the old man's resignation.

Meantime the trip up the Ohio and Tennessee to Clifton in the spring of the year was beautiful beyond description. They took along with them 3,000 head of cattle for General Sherman's army, and marched *via* Pulaski, Tennessee, to Athens, Alabama. The celebrated Confederate General Forrest, General Gresham wrote, endeavored to cut them off by coming in from the northeast by way of Florence—

When we were about thirty miles from Pulaski, and then commenced a forced march, and made Pulaski in one day. I was only five days coming from Clifton here [Athens], a distance of ninety-five miles, and lay over half a day at Pulaski and the same time at Prospect for information, so we really marched the whole distance in four days. The men bore the terrible hardship without a murmur, believing that it was necessary to prevent Forrest from cutting our lines of communication. I saw men marching yesterday with blood oozing out of the toes of their shoes. The object was to cut General Sherman's communication and force him to fall back for want of supplies. The men were in fine trim and we would have given Forrest a stiff fight if we had got together. We may have to fight him yet, for I can't learn where he is.

Huntsville, Alabama, where they remained several days, is certainly the most beautiful town I ever saw. There they found the Fifty-ninth Indiana, in which was Lieutenant Slemmons, the son of our family physician, old

Doctor Slemmons. My husband endeavored to get him detailed from his regiment for staff duty, but Colonel Martin was unwilling. Twenty-eight years later there was correspondence with Lieutenant Slemmons as to why, as a former Republican, Walter Q. Gresham should vote for Grover Cleveland for President.[1]

At Huntsville they were met by General Blair with the balance of the Seventeenth Army Corps, and then all went to the front together. General Crocker took command of the division. But at Decatur, a few days later, on May 27, General Crocker, who was in failing health and went home to die within a year, asked to be relieved and that Gresham be put in command of the division. "General McPherson and General Sherman are both well pleased with me, and my prospects for permanent command are pretty good. Our division is one of the largest in the department. It numbers 7,000 men for duty."

From Rome, Georgia, under date of June 5: "We have been as late as 4 A. M. getting into camp some evenings since we have been on the march." From Kingston, Georgia, June 7: "We will reach General Sherman tomorrow. He has sent word that he is waiting for us, and has been for five or six days. I am fearful my division will be too much fatigued when we arrive at the front to do much for several days." But General Sherman thought differently when they joined him the next day at Ackworth and the Fourth Division went on the advance on the left flank. Immediately the mortality began. At Big Shanty they met the Thirty-eighth Indiana and Colonel Dan Griffin, and also my brother-in-law Rice Payne, the surgeon of the Sixty-sixth Indiana.

The following letters came to me at this time:

HEADQUARTERS, KENESAW MOUNTAIN, GA.,
June 21, 1864

I have been too much engaged for several days to write you. I wrote Mr. Slaughter after our first day's operations; that is,

[1] See page 670.

after our first engagement with the enemy. That was about noon of the 18th inst. We made a gallant charge in connection with General Arterhouse on my right, and carried the enemy's first line of works.

My loss was mostly confined to the Iowa Brigade and the Twelfth Wisconsin of my old brigade. We have been fighting now every day since the 13th and my loss numbers 124. The Twenty-third Indiana has had eight killed. I do not know the number of wounded. The Fifty-third has had four killed—Corydon boys all well and safe.

Day before yesterday the enemy left his strong position in our front, and we advanced skirmishing and under fire of his artillery until we came to his third line of works at the foot of the mountains, and there we are now. We are pressing him hard at all points, and that has forced him to give up part of his line to concentrate. Captain Spear's battery has the honor of killing the Rebel General Polk. Others claim the honor, but there is no doubt about Spear's guns doing the work, for men that we captured the day of the charge pointed out to me just where Polk was killed, which is undoubtedly in my old front. General McPherson and General Sherman both say my division has the honor of killing the Rebel bishop and general.

We may have a general engagement any day. There was very heavy firing on the right yesterday afternoon, but I have heard nothing from the Army of the Cumberland as yet. The Army of the Tennessee is on the left. The Seventeenth Army Corps is on the left of the Army of the Tennessee and my division is on the left of the Seventeenth Army Corps. Marietta is in plain view of the left of my line, and we salute the town with shell at our leisure.

I have not heard from the Thirty-eighth or Sixty-sixth for a week; we have no time to visit.

HEADQUARTERS, KENESAW MOUNTAIN, GA.,
June 27, 1864

At 8 A. M. to-day we assault the enemy's works. My orders may give me a great deal to do and then my work may not be so heavy. But I presume we will all be satisfied by sundown that we have had enough to do. . . .

HEADQUARTERS, KENESAW MOUNTAIN, GA.,
June 28, 1864

I wrote you yesterday morning that we were about going into an engagement. I came out all right. The Fifty-third Indiana and Sixteenth Iowa suffered pretty heavily Major Vestal's old company was almost annihilated. Captain Wakefield was captured, but not until he was wounded. Lieutenant Marsh of the same company was mortally wounded. Captain White of Company "I" was killed on the enemy's works. Lieutenant Dillingham of the same company leaped on the parapets, struck at a Rebel officer with his saber, and fell back with three wounds. The regiment distinguished itself, and I am proud of it. I tried hard to teach the boys to be good soldiers, and I succeeded. Jim Clark is badly wounded, but I think he will recover. The Corydon boys are all well. Send word to Clark's father, who lives about four miles from Corydon, that I have seen his son and that he is cheerful and hopeful. He fell when he was nobly doing his duty. I will see that he is cared for, for he is too gallant a soldier to be neglected. We had a sharp fight and did well.

HEADQUARTERS, KENESAW MOUNTAIN, GA.,
July 2, 1864

I seize an opportunity to write you a note before we move. I may not have another opportunity for several days. You will hear the result of our movement through the press before another letter reaches you. Don't be uneasy about me, for I am taking good care of myself and my health is good—very good. It is true there is no telling now what any day may bring forth. We learned yesterday evening that part of the Fifty-third boys that we supposed were captured on the 27th, were killed and have not yet been buried. It is hard, but we can't help it. We had to give up the ground we had gained before we could take care of all of our killed and wounded. As it is, the poor boys have been denied burial. Captain Wakefield was captured—that was learned from the Atlanta papers. . . .

HEADQUARTERS, NEAR CHATTAHOOCHEE RIVER, GA.,
July 4, 1864

We are now on the extreme right of the army and only two miles from Chattahoochee River and eight miles from Atlanta.

We expect to cross the river soon. I am on the extreme right of our lines. We moved up yesterday and drove the enemy from our present position, with the loss of five men. When we moved from the left to the right, the enemy drew back from our last position to re-form to our change, and General Sherman then went into Marietta, where he now has his headquarters. I will move forward to-day, marching on my right and in the direction of the river. We are now where we may engage the enemy any moment. I am in fine health and spirits; in fact, I enjoy the life. My division thus far has behaved splendidly — magnificently, and I am proud of it.

We had a terrible march yesterday. The weather is hot beyond description. Several men fell dead from sunstroke.

HEADQUARTERS, EIGHT MILES FROM ATLANTA, GA.,
July 8, 1864

I wrote you on the Kenesaw Mountain. We were then on the extreme left and we are now on the extreme right. Our movements since I wrote last have induced the enemy to fall back and Marietta is now in our possession. We left Kenesaw and marched around the rear of our army (twelve miles) until we passed on their extreme right. I was in advance and we soon struck the enemy and, as the boys say, "went in." That day we marched twelve miles, and from 6 P.M. till dark drove four brigades of Rebel cavalry well supplied with artillery two miles. We are now five and a half miles from where we first struck the enemy on this flank, and we have fought for every inch of the ground. Day before yesterday was the hardest day we have had. We assaulted the enemy's works and captured them. That was two miles in rear of our present position. In that charge the Fifty-third was in reserve and did not suffer heavily. Don't know how many they lost, but Captain Beers is among the wounded. He was struck by a canister, but is not badly wounded. After taking the breastworks, we made another charge on the enemy stationed at Nickajack Creek. That charge was simply terrible. We were met by every missile used in war — grape, canister, shell, minie balls, etc. We took the creek and fortified our position, and last night I crossed and fortified again.

General McPherson, General Logan, and General Blair were

all on a high hill and witnessed our charge when we took Nickajack Creek, and they all spoke in high praise of us. I have a noble old division, I assure you, and I am proud of it. We have fought every day since the 11th of June and have lost men every day. My loss in that time is over 450 men. I am tired but well.

The enemy opened on us with his artillery last night just after dark. He used eighteen guns and his cannonading was awful. We hugged our works closely, and replied with artillery. Colonel Sanderson's horse was killed; we lost quite a number of horses, mules, and wagons, and had four men killed and eleven wounded.

I am feeling fine. You should be satisfied now, for there is not another brigadier in this army *commanding a division*, whose commission is not older than mine. I have now a good chance and am improving it. We don't get credit in the papers for what we do, because General Blair commands our corps. The papers are all down on him. He is a very clever gentleman.

HEADQUARTERS, CHATTAHOOCHEE RIVER, GA.,
July 10, 1864

The enemy abandoned his works last night, and under cover of darkness crossed the river and took up a position on the opposite side. We followed him up and at daybreak were in the works he abandoned at 3 A. M. He is now on the south side of the river, well entrenched, and we are on the north side. We have been hard at work all day digging trenches for our men and redoubts for our batteries. We will open on them in the morning, and the Rebs will find their line as uncomfortable as their old ones. To-day we have been fighting across the river. I made a narrow escape this morning on the skirmish line. I was out looking at the enemy's position and one of the men belonging to the Thirty-second Illinois was shot just by my side by a sharpshooter.

We used to think it was something to fight or skirmish for a whole day, but now we have been fighting continually for over a month and our loss attests the character of our work. I am speaking within bounds when I say that few divisions in the army of the Tennessee or Cumberland have done as much as we have since we joined General Sherman's at Ackworth. The day we took Nickajack Creek we had a hard fight. We drove the enemy

from a fine earthwork at the point of the bayonet, and then we took the Nickajack under a perfect shower of shell, shrapnel, and canister. General McPherson speaks in the highest terms of praise of us, and I can say to you that he has more than once spoken in terms complimentary of me as an officer. This, of course, is only for you. You know I never boasted of my own merits.

The enemy is now entirely across the Chattahoochee and he will be farther south soon. Don't get discouraged. General Grant will whip Lee, and we can then whip Johnston. The Union can and will be maintained. It must be maintained. . . .

HEADQUARTERS, CHATTAHOOCHEE RIVER, GA.,
July 12, 1864

Am well and doing well. The enemy is on one side of the river and we are on the other. The boys are more friendly with each other than they have been heretofore. Yesterday and to-day they have been swimming together in the river. It looks strange to see squads of men meet in a friendly way and exchange tokens of regard, and the next moment go to fighting. Such is our war.

To-morrow we will move around to the extreme left of our army and cross the river. We will have to march thirty miles. The Army of the Tennessee is not allowed to be idle, I assure you. General Sherman calls us the "cracker to his whip," and uses us to touch up the enemy's flanks. I sometimes feel disgusted and mad to see the way the papers puff some divisions and commands when they do so little in comparison with those that are scarcely mentioned. But it takes money to get notices in newspapers and we don't spend anything that way.

HEADQUARTERS, CHATTAHOOCHEE RIVER, GA.,
July 15, 1864

We occupy the same position we did when I wrote you last, but we are hourly expecting orders to move. The weather is terribly hot; I think I suffer more from the heat than I did at Vicksburg last summer. My command is pretty well worn out. It has been very hard on the men from the fact that half of the time they have had to work after night, throwing up works. We

have now been in line of battle since the 11th of June, and during that time have had some hard fighting.

My health continues to be good. I have frequently told you that my health is always better when I am in action, and you ought to be convinced by this time that it is so.

One bright day at noon the mail brought my last, my best, and shortest letter. It was from Decatur, Georgia: "We are still on the extreme left, due east of Atlanta. Be of good cheer, a good time is coming. We will soon be through." The warmth and glow in my heart that evening as I sat on my veranda and watched the western sun, was dulled by the arrival of a special messenger at Corydon, who informed me my husband had been desperately wounded at Atlanta, and for me to meet him at Nashville. After a sleepless night I started early the next morning, driving to New Albany, thence by rail to Nashville. On reaching Nashville, as I went in at the front door of the Maxwell House, General McArthur, whom I had met at Vicksburg, leaned out of the window and said, "Mrs. Gresham, they are just carrying your husband in at the rear."

I found him indeed desperately wounded. The division surgeon, Doctor Eastman of Wisconsin, was with him. Colonel Benjamin Q. A. Gresham, my brother-in-law, who commanded the Tenth Indiana Cavalry, stationed at some place in eastern Tennessee, was also there. When he heard of his brother's wound, he left his command, without leave, and went to him. A universal favorite with a fine record, and an independence that was refreshing and apparently approved by his superiors, he was not even censured for doing what ordinarily would have been punished by dismissal. The handsomest man I saw in uniform during the war, of powerful physique, he possessed that magical control over men that made him a force and a leader in whatever company he was thrown. Many a man got credit for his work in the field while he did not get the promotion he deserved. He was almost universally spoken

of and frequently addressed as "Colonel Ben." When the army was on the retreat, he was generally covering the rear; when it was advancing, he was in the lead.

We remained that night in the Maxwell House. "Colonel Ben's" cheerfulness and good nature did much to allay the impatience and regret which my husband was feeling at having lost his place at the front. Older, larger in size, it was the big brother again. He said to my husband, "You are not the only fellow that was ever wounded. You are fortunate that you did not meet McPherson's fate. In advance of a skirmish line is no place for a division commander, let alone the commander of an army. You seem to think you could go through this war unscathed. I have been hit and must still take my chances." And he continued to take them until in the last days of December of that year in a skirmish, as he was leading the pursuit after the battle of Nashville, he received the wounds that caused his death. His talk was a good thing in that it diverted my husband's mind from the wound. One thing the General said was: "Ben, you never did have any respect or consideration for anything or anybody." And then there was a hot discussion about generals and campaigns.

And here I must tell a story which "Colonel Ben" afterwards told me of how he came to get his last wound. It relates to his superior officer, General J. H. Wilson, who commanded the Federal cavalry of General Thomas's army at Nashville, and it has a bearing on the delay on General Thomas's part at Nashville which made General Grant so impatient.

After I reached camp at Nashville I went to General Wilson's headquarters in response to a summons from him. General Wilson said, "Colonel Gresham, be prepared to take the lead with your regiment by to-morrow. We may attack, or the enemy may retreat." I replied, "General Wilson, I have helped cover the rear from east Tennessee in. Mine was the last regiment into Franklin, the last out of Franklin, and the last into Nashville.

My men are all right, but the regiment is practically dismounted. Our horses are worn out. Why not let some of these new regiments with fresh mounts take the lead?" "Consider yourself under arrest, sir," answered the general. Taking off my sword and throwing it down on the general's table, I replied: "This is unjust. My regiment has borne more service than any other cavalry regiment in the army, and I will make you prefer your charges." Then I went to my tent. Soon a staff officer came from General Wilson and asked me to overlook the incident, reconsider my determination, and take command of my regiment. Several times was the visit repeated, but each time I answered: "Tell General Wilson I refuse. I have been badly treated. I shall make him prefer his charges." Finally the staff officer came and said, "General Wilson presents his compliments to Colonel Gresham and requests him to select such horses from the new regiments as in his judgment may be necessary properly to mount his regiment, and be prepared to take the lead." I could not stand out against that. "Tell General Wilson I will obey his order." I took the best horses I could find in those several regiments and mounted my regiment as I thought it should be.

General Thomas's delay in attacking Hood when Hood followed Thomas's army up to Nashville almost made General Grant frantic. General Wilson gives a graphic account of the reorganization of Thomas's army, especially the cavalry after it reached Nashville. How much "Colonel Ben's" decision of character contributed to General Thomas's defiance of General Grant's orders, there is no record of. Hood did not wait to be attacked, but led to it, was defeated, and we have General Wilson's report for it that "Colonel Ben" was in the lead in the pursuit. Toward night, in a charge, "Colonel Ben" received the wound that would have ended most men's lives on the field, and which finally, after a number of years, most of them of suffering, ended his.

Years afterwards, at a dinner party, I asked General J. H. Wilson if he knew my husband's brother, "Colonel Ben" Gresham. "Oh, yes," was his answer, "everybody

knew 'Colonel Ben,' and the official records attest his gallantry."

It was due to "Colonel Ben" that we were able to leave Nashville the next morning. The cot on which my husband was carried was too large to go through the doors of the cars in the train which had been made up. "Colonel Ben" had the train held until he procured another car with wider doors. In this car, which was attached to the rear of the train, the cot was placed on top of the backs of the car seats. Doctor Eastman and two or three soldiers and myself, as nurses, made up the other occupants of the car. "Colonel Ben," without any other leave than his own, went with us to Louisville.

At the station in Louisville an ambulance and a crowd of curious people awaited us. My husband did not want the people to see him. I had covered his face with a handkerchief, and while we were waiting for the ambulance a woman came up, jerked the handkerchief off his face and asked, "Is he dead?" It was hoped we could get to New Albany that night, in order to avoid the pain incident to loading and unloading into the ambulance. We drove from the Louisville station to Portland to take the ferry boat to New Albany, but our progress was slow, as we could not go faster than a walk. Arrived at the foot of the levee at Portland at midnight, we saw the ferry boat stuck on a sand bar in the middle of the river, so we were forced to drive back up the levee to the Portland Hotel for the night. To avoid the crowds of curious people we made a very early start in the morning for New Albany. This time my husband was carried down to the levee and on the boat, as it was too painful for him to be driven down.

There were hospitals at Louisville and New Albany, but the doctors said it would not do to take my husband to one of them because of the danger of gangrene, especially after he had lived in the field and in tents for three years. "Neither will he be able to stand the confinement of a

house or hotel." So it was arranged to put up a tent in Mr. R. P. Mann's yard, and there we stayed a month.

Doctor Eastman, after a few days in New Albany, turned him over to Doctor Sloane, who was in charge of the army hospitals there. We had no trained nurses in those days; convalescents and soldiers that had gained some experience in the hospitals were detailed as such. We had one for the day and one at night,—a corporal and a sergeant. With their assistance I nursed General Gresham for the first four months; my clothes were off only when I changed them. Doctor Sloane visited him every day, and there was not a more capable or competent man in his profession in that or any other day. The wound was produced by a minie ball striking the main bone of the left lower limb. The bone was shattered for three inches. After some of the splinters were removed, the ends of the bone remaining in the leg, nearest together, were three-quarters of an inch apart. The opinion of the surgeons was that as he was young and vigorous, with absolutely pure blood, and had no bad habits, he had one chance in a hundred for the bone to grow and knit together. All the surgeons in the field but one, Doctor Eastman, were for amputation. One of the stories is that it was this doctor's opinion and my husband's revolver that prevented amputation on the field. Doctor Eastman said, "You must take the risk, and save his leg," the risk being that he endangered his life in not having the limb amputated at once. When Doctor Eastman left me, he looked me in the eye, and said, "His life is in your hands."

No sooner were we settled in New Albany than letters by the score came from officers inquiring as to his condition and giving an account of the military situation. There were letters from Cyrus Hall, Colonels Potts, Belknap and Cadle, Captains Babbitt and Duncan of his staff, Frank P. Blair, Jr., the commander of the Seventeenth Army Corps, and scores of others. The best letters were from Duncan

and Babbitt and Frank P. Blair, Jr. My husband was shot by a sharpshooter late in the afternoon of July 20, while on or in advance of the picket line. At noon on that day two divisions of the Seventeenth Army Corps, the third under General Leggett and the fourth under General Gresham, left Decatur, northeast of Atlanta, and moved southwest toward Atlanta, with Gresham's division in the lead and pushing the enemy. My husband's story is that when nearing the works around Atlanta he had gone to the front with his glass and had satisfied himself that the Confederate line in his immediate front was weak. He was on the point of ordering a charge with a view to boring into Atlanta when he was shot down.[1] This is manifest from the letter of August 20 of his immediate superior, Frank P. Blair, Jr., who commanded the Seventeenth Army Corps. McPherson commanded the Army of the Tennessee, which was then composed of the Sixteenth and Seventeenth Army Corps. Blair wrote:

You have doubtless seen the papers' tiresome account of the terrible conflict we had on the 21st and 22d, the days succeeding your departure. The hill to the left of the position you occupied, and from which you received your wound, was so commanding that I found it necessary, having reconnoitered it immediately after you fell, to carry it by assault, and ordered up Leggett (the Third Division of the Seventeenth Army Corps) on your left for that purpose. Unfortunately he did not receive the order to attack it that evening, the staff officer I sent to him only telling him to form on your left and leaving out the most important part of the order, which was "to assault immediately." This delay enabled the enemy to reinforce strongly that night, which they did, and fortified themselves to some extent. Nevertheless the hill was carried next morning early by Leggett's division, the Fourth Division [Gresham's], under General Giles A. Smith, attacking the hill in front at the same time in order to prevent the enemy from throwing his entire strength against Leggett's division. Both divisions lost heavily and about equally, in all about 730 men. Next morning I received information that the

[1] See page 310; also, "Cleburne and His Command," Irving G. Buck, page 271.

enemy had retired within the fortifications of Atlanta, and going to the front I found they had abandoned a line of works they had thrown up the night previous and which were within 1,200 yards of their main works. McPherson, Giles Smith, Leggett, and I were all out upon this line of the enemy's abandoned works and it was decided to reverse them and occupy them. Dodge was ordered to occupy a position on my left. Returning to my camp (which was on the road on which the enemy first opened on us the day you were wounded and where one of their shells cut your horse's mane), I found that road occupied by Dodge's troops, and turning off at right angles near the house where you formed the Iowa Brigade and the head of the column reaching near the spot where I saw you and talked to you after you had been wounded, the enemy attacked us in front flank and rear.

McPherson was killed in attempting to reach my front by passing on a road cut through the heavy timber, directly in front of where I saw you after you were wounded.

The enemy drove in our pickets and skirmishers and followed them up with their line of battle, but they could not manage to connect their attacks from front and rear at the same moment. As they came first from the rear, our boys took the opposite side of their works and drove them back with great slaughter, following them up with skirmish line to hold them as long as possible and give us time to meet the attack from the other quarters. Giles Smith then formed the Fourth Division at right angles facing south with his works, and drove back an attack from the direction of Atlanta; the boys jumped over their works, faced about, and sent them back in a hurry. By this time the line which attacked our rear had rallied and reinforced, and came up with a yell. The men were again formed in the reverse or Atlanta side of their works and met this charge with the same courage and address as the others. The fighting was most desperate, the enemy coming up to the breastworks and fighting with the bayonet and sword in hand-to-hand encounter. Colonel Belknap, of the Fifteenth Iowa, took prisoner the colonel of the Forty-fifth Alabama, by taking hold of his coat collar and pulling him over the breastworks. Many other equally daring acts were performed. Finally the enemy were compelled to retire after having suffered terribly. This sort of fighting continued for five mortal hours, both divisions

repulsing in the handsomest manner every assault made upon them, until finally at about 6 o'clock the enemy commenced an attack on the Fourth Division simultaneously from front, flank, and rear with musketry and artillery, and compelled General Smith to abandon his position and draw out with Leggett a line running nearly east from the top of the high hill captured by Leggett on the 21st, facing to the south and extending in the direction of Dodge, but not reaching his line by at least half a mile. Here the enemy made his last and most desperate assault, with fresh troops. The object appeared to be to drive us from the hill so often referred to, which commanded not only the position of the Seventeenth but that also of the Fifteenth and Sixteenth Army Corps. The fight here continued until long after dark, and until nothing could be seen but the flash of the guns from the opposite side of the same works which covered the crest of the hill. The enemy planted their flags side by side with ours and fought with unparalleled desperation and fury, but after night set in their fire became languid and feeble; they only held the ground until just before daylight in order to carry off their wounded. The morning rose on such a scene as my eyes never before looked upon. The ground was literally carpeted with their dead.

It is certain that we killed over 2,000 of them and wounded and captured enough of them to equal the entire force which the Seventeenth Army Corps took into the fight, about 8,000 men. This would appear almost preposterous, but when the closeness and desperate character of the fighting is considered, the actual number of their killed on part of the field which we control and upon the balance of the field, seen and estimated by men like Smith and Potts, accustomed to these bloody scenes and by no means disposed to exaggerate, as you are well aware, then the matter assumes quite a different aspect.

The troops that fought our corps were Cleburne and Cheatham's divisions, the troops under Brigadier-General Maney of Hardee's corps on our flank and rear; the other two divisions of Walker and Bates attacking Dodge, and a part of Hood's old corps under Cheatham from the direction of Atlanta; a part of this corps also attacked the Fifteenth on our right. Our loss was 1,801 killed, wounded, and missing, and on the day before,

as I have already stated, about 750. We captured about seven stand of colors and about 1,000 muskets.

This letter has been spun out to an enormous length, but you asked me to write, and I knew that you would be glad to hear of the achievements of your old command; and I have considered that as you are laid up with your leg, I would make "a night of it with you." Not such a night as we have had sometimes in camp, but the best we could do under the circumstances and at such a distance. So here's to you!

You will have heard before this that Belknap has been appointed a brigadier-general. Potts has been recommended and deserves promotion as much as any living man. Don't you wish you were here in camp?

Your friend,

FRANK P. BLAIR, JR.

A Confederate who was all through the Atlanta campaign, serving in the Breckenridge Division, to whom I showed General Blair's letter, expressed the opinion that the estimate General Blair put on the Confederate casualties was too high. Perhaps so, but it only purports to be an estimate on General Blair's part.

After my husband voted for Grover Cleveland all kinds of imputations were put upon his motives, and among the criticisms visited on him was that he had no business as a division commander at the time he was wounded, to be so far to the front. If it was a just criticism, it applied to some men in rank higher than he. General Sherman was never one of these critics. On the contrary, Walter Q. Gresham, McPherson, Blair, and others were where General Sherman wanted them to be. When we lived in Washington during Mr. Arthur's administration, and within a block of General Sherman's residence, I heard General Sherman say that "if Gresham had not been wounded when he was, he would have been in Atlanta the next day." Army corps and division commanders, at General Sherman's instance, went farther to the front than was the case in most, if not all, other armies. This was because many of the colonels

and the brigade commanders, in accordance with General Sherman's views, did not wish or would not force their men into the ravines through which the army was being pressed to invest Atlanta. Captain F. Y. Hedley, Assistant Adjutant-General of the Second Brigade of the Fourth Division of the Seventeenth Army Corps, was one of the babies of the army, only seventeen, and so undersized when he enlisted in the Thirty-second Illinois at Springfield in 1861 that he could get in only by enrolling as a musician-to-be. A few days later, according to a previous understanding with Colonel Logan, he was reduced to the ranks so he could carry a gun. He was but twenty when he re-enlisted as a veteran in January, 1864, and was known to every man in the Army of the Tennessee. After the war Captain Hedley said, "General Gresham was more indebted to Colonel John Logan of the Thirty-second Illinois, a cousin of General Logan, than to any other man. Colonel Logan," said the captain, "would not 'go in' with his regiment at a certain time when General Gresham wanted him to do so. Had Logan done so his regiment would have been cut to pieces and Gresham would have lost his command. This was the difference between Grant and Sherman as commanders of an army."

In a letter written from the field, Doctor Edgar, who wanted to amputate the leg, said: "If you could have been with us a few more days you would have won another star." Captain Babbitt, now a colonel, expressed his sympathy for "the man who was born to command and lead, but consigned to nursing a wounded leg." From Big Shanty, Georgia, November 1, 1864, he wrote, "Hood won't stand up and fight. We have chased him all over northern Georgia and cannot get a fight out of him." He seemed to know everything that was going on in the army. "Belknap is in command of the Fourth Division now, but he bears his honors awkwardly." Then, soldierlike, he critisized orders from his superiors, from

General Sherman down to Potts, his brigade commander.

When the rainy season came on, we moved from Mr. Mann's yard to the residence of Mr. Charles Sackett, on First Street, and then across the street from him to a house we had secured.

After about ten months the wound looked so bad that we called in army surgeons, about a dozen from the hospitals around the "Falls," that is, from the hospitals in Jeffersonville, New Albany, and Louisville. They held a consultation and then said the amputation must take place at once; that it was the only chance of saving the patient's life. Doctor Sloane, our surgeon, who was also on the staff of one of the hospitals and had been with us from the start, sat by and listened. My husband turned to him and asked: "What do you say, Doctor?" The doctor answered, "I do not agree with the gentlemen." My husband said, "Will you not amputate?" "No," said Doctor Sloane, "I will not." My husband said, "If you do not, no one else can touch that leg." This ended the consultation.

Doctor Sloane afterwards said to me, "They might as well have cut his head off as to have amputated at that time, for all the chance he would then have had to live, depleted as he was by the long confinement and the suppuration on the wound." In a letter from his Wisconsin home, Doctor Eastman confirmed Doctor Sloane's opinion. Several months before, Doctor Eastman had called on us as he was returning from the front.

It was a year in bed, most of the time on the flat of the back, three months more before he was on crutches, and five years before he could dispense with those crutches. General Gresham's mind was never more active than during the fifteen months' confinement. He watched the progress of public affairs with the keenest scrutiny. That I could not help absorbing much of these matters can possibly be understood.

CHAPTER XIX

NEGRO SUFFRAGE

COLONEL GRESHAM'S MANY VISITORS — THIRTEENTH AMENDMENT SUBMITTED TO STATES FOR RATIFICATION — ELIMINATE SLAVERY WITHOUT COMPENSATION — LINCOLN RECONSTRUCTS LOUISIANA — SUMNER OPPOSES RECOGNITION OF LOUISIANA STATE GOVERNMENT — SOLDIERS OPPOSED TO NEGRO SUFFRAGE — SHERMAN'S OPPOSITION — LINCOLN'S ASSASSINATION — GRESHAM FOR COMPLETE AMNESTY — THE FOURTEENTH AMENDMENT TO THE CONSTITUTION — SOLDIER VOTE RATIFIES IT — GRESHAM A SOLDIER ORATOR — CANDIDATE FOR CONGRESS — MORTON AND GRESHAM OPPOSE NEGRO SUFFRAGE — GRESHAM DEFEATED FOR CONGRESS BUT ELECTED STATE AGENT — MORTON ELECTED TO SENATE — MORTON VOTES TO INCORPORATE NEGRO SUFFRAGE INTO RECONSTRUCTION ACTS.

LOUISVILLE was an important stop-over or transferring point for soldiers coming and going to the front. At Louisville, Jeffersonville, and New Albany there were camps and hospitals. In addition to letters which came telling of the movements of Sherman's army, the March to the Sea and up through the Carolinas, we had visitors by the hundreds — officers, private soldiers, and army surgeons. The latter were especially interested in General Gresham's wound.

Many of the visitors had themselves lost an arm or a leg. Some with wooden legs were on the way back to the front and were objects of envy. One big strapping fellow came in one day with a large red apple for the invalid, and said: "Colonel, I am the man you made march all day tied up

to a wagon. I was sore at you for a long time, but it is all over now." Then the conversation went on for the balance of the day about the different regiments, brigades, divisions, officers, and men, and that unratified Thirteenth Amendment.

Among the private soldiers who visited us were Dixon and Matthew Pennington, born and reared on the "Underground Railroad." A youth of twenty in 1864, Dick was a veteran of three years' service, and suffering from his third and last wound, a shot through the left knee, which had incapacitated him. A veteran at eighteen, laughed at because he was still undersized, this story was told of Matt. In a hand-to-hand contest, a Rebel captain, when Matt leveled his musket at him and called on him to surrender, replied, "I'll be damned before I surrender to a mere boy!" After it was all over, the officer to whom the Rebel surrendered was greatly relieved and said to him, "I was afraid the little devil would kill you," at which Matt said, with an oath, "I would have done so, but my gun was n't loaded and I did n't have no ammunition."

Captain Babbitt, now a colonel, came to visit us after the surrender. Bright, as he always was, his cough had increased. He did not long survive. Captain Norton, with his bright red hair and handsome face, came on his way home to Wisconsin. He was also a most welcome visitor. He had gone on the March to the Sea, up through the Carolinas, down the Avenue, and back to Natchez to see Miss Nannie Stanton, but in the meantime another Yankee officer had won the prize. Never wounded, but on the go day and night as a staff officer, Norton drew on his reserve force and did not long survive. Captain — now Colonel — Duncan, after the surrender, also spent many days with us.

Among our visitors after the surrender was Colonel N. H. Owings, who had only attained his majority when

he enlisted in 1861. He called everybody except General Sherman by his first name, and was universally addressed and spoken of as "Nick" Owings. Smart as a steel trap, he had been a clerk in the Indiana Republican State Central Committee during the campaign of 1860, and while a clerk in the Indiana legislature of 1861 he became acquainted with and was always a devoted friend of General Gresham.

From a clerical position in Washington he enlisted in one of the United States volunteer regiments. During the Atlanta campaign, the March to the Sea, and up through the Carolinas, Colonel Owings served part of the time on General Sherman's staff. Some of the stories "Nick" told of the freedom with which General Sherman criticized men and measures, were entertaining. One will illustrate the workings of General Sherman's mind and the character of Colonel Owings. General Sherman was always opposed to political brigadiers. Any man who secured promotion without his knowledge or consent was immediately ordered off to Washington as being unfit to associate with soldiers. A member of General Sherman's staff, a brother-in-law, was Lieutenant-Colonel Charles Ewing. "Charlie Ewing," as Nick called him, "was dying to have a brigadier-general's commission. We could get one through Senator Sherman[1] but the minute the commission came under such circumstances, we feared the General would fire Charlie off to Washington, so we fixed up a scheme to get General Sherman's endorsement. One day after dinner and a good stiff toddy, while William Tecumseh was signing a lot of orders and papers, his signature went on the recommendation to the Secretary of War to make Charlie Ewing a brigadier-general." In due time the commission came and General Sherman was furious. "Go off to Washington! A lieutenant is good enough for me," is the way "Nick" says General Sherman greeted Charlie's promotion. "In his rage, none of us dared tell the General how the

1 John Sherman, brother of General Sherman; see pages 497, 567, 592 and 632.

trick had been turned. But we made Charlie a brigadier, even if we ended his career in the field."

As a story-teller Colonel Owings was one of the best, and his laugh was infectious. His visit did the invalid a world of good. With Colonel Owings all was fair in war and politics. He was a figure in the national conventions. He made and lost several fortunes, one in Colorado, another in the territory and State of Washington, where he died a well-to-do man. His wife was a member of the Board of Lady Managers of the World's Columbian Exposition at Chicago in 1892 and 1893.

After the General was out of the hospital, "Colonel Ben" Gresham came, so bright and cheerful that no one would suspect he was suffering from a mortal wound. There came also Cyrus Hall, the precocious Hedley, still a boy in years, and too many Illinois men to mention. I remember General Potts of Ohio, whom Babbitt hated so cordially. It was Rawlins morning, noon, and night. I heard more of John A. Rawlins, General Grant's adjutant-general, than of General Grant himself and all the balance of them put together.

Many of our soldier callers were lawyers, some of whom were afterwards eminent in their profession. Colonel Conrad Baker of one of the Indiana regiments, then provost-marshal with headquarters at Indianapolis, was one such. He was one of our dearest friends. In September, 1864, Colonel Baker became the Union or Republican candidate for lieutenant-governor of Indiana on the ticket on which Governor Oliver P. Morton was the candidate for re-election. Governor Morton campaigned in our neighborhood but never came to see us. He was not then advocating universal negro suffrage. But he was preparing — as he did — to displace Henry S. Lane, our United States senator. Mr. Lane made several visits to New Albany for the sole purpose of visiting us. I shall always appreciate his kindness and sympathy. He sent my husband the

Congressional Globe, so we were in touch with all questions which had grown out of the rebellion. Besides, we had the Louisville, Indianapolis, and New York papers.

One of my husband's regrets was that he could not go to the polls to vote for Mr. Lincoln. Among our callers was General Cravens, our congressman, a veteran of the Mexican War. Although he had voted against the submission of the Thirteenth Amendment he was regarded as a war Democrat, and had been defeated for nomination by Michael C. Kerr. Still, General Cravens was campaigning for McClellan. Of his own volition he had espoused my husband's side against Governor Morton, and had protested to President Lincoln against the Governor's efforts to have Colonel Gresham dismissed from the service. General Cravens returned to my husband the letter of thanks Mr. Gresham had written to him, which was a statement of the Gresham side and Mr. Gresham's opinion of the Governor. This letter was delivered into my keeping, and was preserved with the other original Morton papers until loaned to a veteran, who, to my astonishment, destroyed them because he said old sores should not be re-opened. Many would-be historians share this veteran's views. I, however, entertain a different opinion.

Not all the soldiers — for many were Democrats and drafted men — were for Mr. Lincoln's re-election, but the volunteer was almost universally for "Old Abe." The Democrats had a strong ticket, headed by Joseph E. MacDonald for governor, and for lieutenant-governor General Mahlon D. Manson, a popular man, a good stumper, who had gone out as Colonel of the Tenth Indiana and won his star in the field. In Kentucky, men like John M. Harlan had supported the Union cause in 1861, and not only were making speeches for McClellan but had time to come to Indiana and make the strongest and most effective speeches against Mr. Lincoln. As Colonel of the Tenth

Kentucky Volunteers, John M. Harlan was one of the first of the Kentuckians to enlist. He served long and well, but declined a brigadier's commission to go home and take care of his father's estate. There were many Kentuckians like him, who having finished their three years' service did not re-enlist. Of the eighteen Kentucky regiments still in the field a large proportion — some said two-thirds — voted for McClellan, who carried Kentucky by a large majority. It was the "nigger question." Slavery was still lawful in Kentucky, but business conditions were chaotic. My friends the Harneys were in financial distress, but were still holding on to their slaves and their newspaper. It was full of accounts of slaves and of litigation about negroes.

Following Mr. Lincoln's election and Sherman's March to the Sea, the resolution to amend the Constitution — the Thirteenth Amendment — which had been pending since December 16, 1863, and had failed by the necessary two-thirds to pass the House, was again brought forward. As Senator Hendricks had feared, and as my husband had predicted to the veterans when he was urging them to re-enlist, congressmen who had voted against it changed front or ducked, and on February 1, 1865, the Thirteenth Amendment was submitted to the States for ratification, but with our war congressman recorded against it. February 13 the Indiana legislature ratified it, while ten days later the Kentucky legislature almost unanimously rejected it. The Kentuckians were insisting on compensation before they gave up their slaves, and I think some method should have been devised, as might have been done, to take care of them because of the loyalty they showed in 1861 under the pledge the National government then made that it would not abolish slavery. Benjamin H. Bristow was one of the few Kentucky legislators who voted to ratify the Thirteenth Amendment. He was a slaveholder and came from an old Kentucky family of slaveholders at the time he cast that vote. A wound had taken him out of the field where

he and Walter Q. Gresham formed a friendship that never abated.

But as the war progressed, public opinion changed the viewpoint of those soldiers who visited us after July 20, 1864. Every vestige of African slavery must be eliminated from the Federal Constitution and that, too, without compensation. Babbitt voiced the universal sentiment: "The time was when we wanted to pay them for their niggers, but they would not take it. After all the money that has been spent and the bloodshed, and the negro practically free, I am opposed to giving them a dollar."

In a limited way, to those blacks who had been good soldiers and were educated and intelligent, the suffrage should be extended. The soldier emphasized the fact that this was Mr. Lincoln's idea. I heard expressions like these: "Charles Sumner and Thad Stevens will never be able with the freedmen to rule the men it has taken us nearly four years on the battlefield to put down." "Give the negro the ballot, and you will give the Rebel soldier two votes to the Union soldier's one." Over and over again I heard that last speech of Mr. Lincoln's referred to, as to how he would have reconstructed.

The case of Lieutenant John R. Piquet, who came to us after the surrender, is most illuminating. In New Albany there was a family of light mulattoes whose history went back to territorial days. The prejudice against the negro barber had not then arisen. As one of the Carters was cutting Colonel Gresham's hair he sent a message to Piquet in a way that excited my husband's curiosity. With his facility to cross-examine, Colonel Gresham learned before he left the barber shop that Piquet's mother was one of those "high yellow women." After his return to the front, my husband sent for Piquet and delivered Carter's message. It flashed over Piquet that his secret was known. He trembled and said, "Colonel, these soldiers won't let me stay in the ranks with them. They will

shoot me the minute they know I am a nigger." "They will never know it unless you tell them," was the response. Promotion came. In a short time after the close of our war Piquet lost his life in the Juarez insurrection in Mexico.

With his amnesty proclamation of December 8, 1863, as a guide, Mr. Lincoln, by the time Congress met in December, 1864, had reconstructed Louisiana to the extent of organizing a State government, adopting a free constitution with suffrage limited to those who were qualified to vote in 1860, and had elected two United States senators. From his sickbed Walter Q. Gresham wrote to men in northern Louisiana who applied to him for advice to go in with Mr. Lincoln: "Get back any way you can — only get back." John M. Harlan was still opposing Mr. Lincoln's plan of reconstruction. In his speech at New Albany, October 4, 1864, he said:

> He holds and exercises the power to subvert State governments and he even prescribes the terms upon which people may vote. A loyal man in Alabama, who has been true to his country and has been a soldier in the War of 1812 and the Mexican War, could not vote in re-establishing civil authority in that State unless he would first take Lincoln's oath to become an Abolitionist. The triumph of Abolition would be the triumph of a spirit, which in order to effect its purpose would not hesitate to trample with impugnity upon constitutions and laws. There is no safety in this land of ours except in rigid adherence to law — no safety for life, liberty, or property.

Although a majority in the Senate were for recognizing Mr. Lincoln's Louisiana State government and admitting her two United States senators, Charles Sumner, with the aid of the Democratic senators — with very few exceptions, — was able to cause so much delay, that March 5, 1865, came and the session ended with Louisiana still "out." Sumner's objection was that Lincoln's Louisiana State constitution did not provide for unrestricted negro suffrage, while the Democratic senators, like Thomas

A. Hendricks, predicated their opposition on the fact that out of the 40,000 voters in Louisiana in 1860 only 11,000 in 1865 had voted to ratify the new constitution.

Had Mr. Lincoln lived — with the soldiers behind him, as they were, almost to a man — the radicals in Congress would not have ruled. Men like Benjamin H. Bristow and John M. Harlan, who were always Union men and who went over to the radicals, would have been glad to stop at Mr. Lincoln's conservatism. I know whereof I write, for I have talked with them, and afterwards I said to both Bristow and Harlan: "It was a mistake. I told you so." On political lines General Grant would have followed Mr. Lincoln. It was John A. Rawlins who swung General Grant over to unrestricted enfranchisement.[1] My husband's intimacy with Rawlins enabled him to learn early what was coming.

Ida Tarbell, in her life of Lincoln, tells a story, or at least part of a story, the whole of which is conclusive that if Mr. Lincoln had lived, General Grant would have been one of his staunchest supporters.

Miss Tarbell says that J. Russell Jones told her that he — Mr. Jones — had a letter from General Grant, written from Chattanooga in the Fall of 1863, in response to a letter from Mr. Jones to General Grant enclosing a clipping from the New York *Herald* suggesting General Grant for President. In this letter, Grant stated that he was for Lincoln and his policies to the end, and would not even permit his name to be mentioned as a candidate against Mr. Lincoln. This letter, Mr. Jones stated a number of times in my husband's and my presence at the dinner table, he delivered to Mr. Lincoln in the White House in response to an intimation from Mr. Lincoln that he would like to know where Grant stood with reference to his, Lincoln's, reëlection.

"You, Jones," said Lincoln, "know more about General Grant's attitude than anybody else."[2] "Thereupon," said

[1] See page 464. [2] See page 344.

Mr. Jones, "I pulled out of my pocket the letter that General Grant had written me, which had accidentally remained in my pocket after its receipt. I had no idea what Mr. Lincoln wanted with me when he sent for me to come to Washington."[1] Standing, Mr. Lincoln read the letter very carefully, reached down, as he had to, Mr. Jones being a very small man, and placing a hand on each of Mr. Jones's shoulders, said what Miss Tarbell does not publish, "Young feller, you'll never know how much good this does me!" Miss Tarbell would create the impression that Lincoln was indifferent to a renomination.

The feeling of relief that followed Lee's surrender was deadened by the shock of the assassination of President Lincoln. The grief of every household was manifested by swinging black bunting from the front windows. Had Jefferson Davis been a big man, he would have surrendered with General Lee and then used his influence, as did the commander of the Army of Northern Virginia, to help heal the nation's wounds. A soldier, a gentleman, and a man not afraid to die would not have hesitated at the pains and penalties of the Confiscation Acts. However this may be, surrender might have saved Lincoln's assassination. It would certainly have done away with the belief that Davis was a party to it, and with the circulation broadcast throughout the North of the pictures that showed the late President of the Confederate States in a woman's garb when captured. I am relating the talk and beliefs of the times.

And there was General Sherman, the most magnanimous man in the North. The terms he granted General Johnston when the latter surrendered — terms that Thaddeus Stevens and Secretary Stanton refused to approve, terms that it is claimed even Mr. Lincoln would not have approved, — ought to make the Southern people revise their estimate of General Sherman. He proposed the recognition of the existing State or Rebel governments. Time and acquiescence on the part of the Republicans in the disfranchisement

[1] See pages 139 and 140.

of the negroes have vindicated his judgment. And yet the Southern people do not understand General Sherman. The "Daughters" almost have spasms at the mention of his name.

Resentful then, never did General Sherman "get back on the reservation"; that is, acquiesce in the Republican party's plan of reconstruction, as was shown when General Grant was a candidate for President the first time.[1]

At this time, we were perhaps in closer touch with conditions in Mississippi than with any other part of the Union. The correspondence with officers, sutlers, and citizens of Natchez was voluminous. Colonel Kent, who fought the cotton thieves in both armies and had begged to go in the Atlanta campaign, William Coleman, a sutler, and Winthrop Sargent of the old *régime*, were regular correspondents. Conditions were deplorable.

May 4, 1865, Lieutenant-General Richard Taylor, a son of President Zachary Taylor, who had been so severe on the Secessionists in 1850, surrendered the last Confederate army at Meridian, Mississippi. On May 10, President Johnson proclaimed the end of all armed resistance and that he would follow Mr. Lincoln's policy of reconstruction without convening Congress. May 8, 1865, Governor Clark of Mississippi called the legislature of that State to meet at Jackson, June 8, 1865, and sent a commission to Washington to assure the President of the desire of Mississippi to be restored to the Union. Governor Clark also issued a proclamation calling on the people of Mississippi to accept the results of the war in good faith. Governor, or rather General Clark, was a one-legged Confederate who, when no longer fitted for the field, had been, in 1863, elected Governor of Mississippi. His government for the two years prior to the surrender had been in the saddle. After the surrender it had at least the form and substance of civil government. Walter Q. Gresham would have taken General Clark at his word. He would have dealt with the men in the field rather

[1] See pages 344–5.

than with those who remained at home. The real fighting men would not have been long in getting together. But they were not then in control. The cordiality that Grant and Lee and Sherman and Johnston manifested extended to the ranks. My husband made the first real amnesty speech that was delivered at a soldiers' reunion.[1] It was so heartily received that he repeated it until, with General Sherman's approval, it went into the records of the Society of the Army of the Tennessee.

No such sentiments at first animated President Johnson. He proposed to make treason odious. He refused to permit the Mississippi legislature to meet and rejected General, or Governor, Clark's overtures. Mr. Lincoln, I believe, would have accepted them. President Johnson ordered the Mississippi legislature dissolved and Governor Clark removed from the State capitol at Jackson.

May 29, 1865, President Johnson issued his Amnesty Proclamation as supplemental to that of Mr. Lincoln of December 8, 1863. *It did not extend perfect amnesty to all.*

As illustrating the internal conditions, and Walter Q. Gresham's disposition to make it easy for the Southern men to get back to the old relations, I quote the correspondence with Frank Surget, who was rated by many as one of the "last ditch" men in Natchez until years afterwards, when after his death I produced the originals

1 "The hardships and sufferings of our soldiers for the four long years of bloody war have been in vain if we shall fail to establish peace and concord between the different sections of our wide-spread country. We fought not for the vain purpose of displaying our prowess in the field, not to gratify feelings of sectional hatred or resentment, but to maintain inviolate the bonds of our Union and free institutions. Our enemies, alike with ourselves, were the descendants of the same common stock — our countrymen, many of them our kindred, inheriting the same traditions, and owing allegiance to the same Constitution and laws. The conflict of arms being ended, and the palm of victory ours, it is our first duty, as brave and magnanimous soldiers, to make our late enemies feel, by the liberality of our sentiments and the frankness of our conduct, that their return to their allegiance involves neither dishonor nor humiliation; that the passions engendered by the conflict have been banished from our breasts, and that hereafter we will regard as common enemies those who attempt to fan the flames of sectional strife.

"Let it not hereafter be written of the soldiers of the Union and especially of the glorious Army of the Tennessee, that they knew how to meet the enemy in the field, but were not able to be magnanimous to a fallen foe."

in Natchez. One of Mr. Surget's brothers surrendered as a member of General Taylor's staff.

General W. Q. Gresham, Natchez, July 18, 1865.

Dear Sir:—

I saw Norton [one of Mr. Gresham's staff while he was at Natchez] here about ten days ago. He informed me you were at New Albany. I have a favor or two to ask of you which you will oblige me by doing. I think it better for me to send an application to the President for a pardon. It is hardly necessary, I think, for me to do so, yet I had better be on the safe side, having several suits to bring, and I may be accused under the 13th article in the President's last Proclamation for having given a few hundred dollars to the Confederates. You know this was not an entirely voluntary matter, as I had to give something in order to prevent them from destroying the only place I had left, with 500 bales near Woodville. You also know that I would have taken the oath at the time Davis did, but that as soon as it was known outside that I had done so, all of that property would have gone up. I told you at that time that such was my reason for not taking the oath and it was satisfactory to you. Davis's property was all within your lines or near them. . . .

Please write me two separate notes, as the subjects are different, and forward them to me as soon as possible.

Yours very respectfully,

Frank Surget.

The following letter was written in bed and, at my husband's request, I saw that it was put in the postoffice. It went into the files of the War Department and helped Frank Surget get his pardon. The last paragraph indicates the corruption of the times. If, in his desire to help his friend, Walter Q. Gresham overstated a little Mr. Surget's loyalty, I hope at this late date the "Reb" will not lay it up against Frank Surget's memory nor the "Yankee" against Walter Q. Gresham. To help a man rated as a Rebel took courage, and rendered the man who wrote such a letter, to some extent, an object of suspicion. But to every appeal my husband readily responded.

New Albany, Ind.,
July 26, 1865.

Hon. Andrew Johnson,
President of the United States.

Sir:—From about the 1st of September, 1863, to about the 1st of February, 1864, I was in command at the Post or District of Natchez, Mississippi, during all of which time F. Surget, Esq., a citizen of said place, quietly remained within the Federal lines, conducting himself with the strictest propriety. I became well acquainted with him, and believe him to be an honest man and a gentleman.

He never was connected with the Confederate government, either in a civil or military capacity, and I have more than once heard him express himself as being opposed to secession and as having no confidence in the success of the rebellion.

During the time above mentioned he told me how he was situated — that he had already lost a great deal of property, and that he had one or more plantations outside our lines on which were 500 or more bales of cotton, which would all be destroyed if he took the oath then required by President Lincoln. I thought, under the circumstances, he did right and so told him, believing that he would soon have an opportunity to take the oath and save his property. I believe him to be a good, loyal man, and therefore earnestly recommend that if he falls within any of the exceptions in your late Proclamation a pardon be granted him.

I desire to state, in conclusion, that I have no pecuniary interest whatever in having Mr. Surget pardoned, and that I do not expect to be profited, either directly or indirectly, for making this recommendation.

I am, Sir, Very respectfully,
Your obdt. Svt.,
W. Q. Gresham, Brig.-Genl.

Perhaps it was expecting too much, or it may have been due to want of tact on President Johnson's part — he could not have fared worse if he had accepted General Clark's offer, — but the fact is that the Mississippi Convention which President Johnson assembled in August, 1865, refused to ratify the Thirteenth Amendment or abolish slavery.

Instead, some of the members talked of going to Kentucky and Maryland and purchasing negroes. Others said, before they would ratify or abolish slavery by their State constitution they should be paid for their negroes who had been freed by the Emancipation Proclamation, which did not apply to Kentucky and Maryland. The Thirteenth Amendment was still without the sanction of the requisite number of States, so slavery still existed in Kentucky and also in Maryland. In vain they were reminded: "We have certainly affirmatively and directly sworn to support the proclamation of the President and the laws of Congress with reference to emancipation." They were also asked: "Does any man suppose that those who, regardless of the offer of amnesty, refused to accept payment when tendered, will meet with favor in preferring a claim to compensation?" Generals Sherman, Blair, Logan, and Cox asked only that the States forever abolish slavery, leaving to each State the regulation of citizenship. "Let the existing state of things in our midst be kept up a few years and we shall witness, I fear, the enfranchisement of the negro."

The Mississippi legislature that met October 2, 1865, not only rejected the Thirteenth Amendment but refused in the face of the recommendations of Governor B. G. Humphries — another gallant Confederate soldier, — to admit negroes to testify in court. Instead, it passed what was called the "Black Code," designed to nullify the effect of the Thirteenth Amendment if adopted.

The Thirteenth Amendment imposed no restraint on the States; it did not even make the freedman a citizen to the extent he could sue in the courts. It only abolished "chattel slavery." On this exposition of it by Secretary of State Seward, South Carolina in November, 1865, ratified it and then proceeded to pass the "Black Code," designed to reduce the freedmen to a state of serfdom or peonage. Alabama and Florida soon followed South

Carolina in ratification, and on December 18, 1865, Secretary Seward announced the Thirteenth Amendment ratified by the requisite number of States.

Aside from the negro, we needed a Fourteenth Amendment. One of the defects of the old Constitution was that it did not define citizenship in our dual system of government. The Eleventh Amendment, which prohibited a suit against a State, was a paradox, contrary to the system the fathers evolved. Surely Washington contemplated the States, and the State officers should be made to live up to, if not enforce, the National law, constitution and statute. It was the immunity from State control that enabled the Abolitionist lawyer to render the tenure of property in man so insecure. The fiction of the immunity of a State from a suit by an individual is still preserved. A governor of a State cannot be sued, but a Federal or State court may, by way of a mandamus or an injunction,— a ring, as it were, inserted in the nose of the man who may happen to be governor,— lead or force that man to respect the natural and constitutional rights of the individual or corporation, notwithstanding a State statute may authorize, indeed, may command, the confiscation of the property or the imprisonment of the individual without a fair trial.

Saith the Fourteenth Amendment:

> No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

But such is man's inhumanity to man that quite aside from the negro, whom it was primarily designed to protect, by describing him as a person, lawyers of practical experience will tell you that the courts are more willing to extend the protection or the guarantee of the Fourteenth Amendment to a corporation than to a white man. And this, too, although the word *corporation* is not in the Fourteenth

Amendment. By the use of the word *person*, the courts held that Congress and the people intended to include corporations, although the word *person* in the original draft of the Constitution and the first ten amendments the courts held did not include the corporations. Indeed, as Walter Q. Gresham said, the war legislated, but it did not, as he also said and held as a judge, destroy the States.

Andrew Johnson's first message was that of a statesman. By the time the Congress assembled, December 5, 1865, he had seen the light; he was no longer for making treason odious. Whoever wrote his message to that Congress — and it by no means follows that simply because it was in the handwriting of George Bancroft, the historian, it was Mr. Bancroft's conception and not that of Andrew Johnson, — the fact is, that President Johnson adhered to the policies therein set forth. "It is not competent for the general government to extend the elective franchise in the several States. The freedmen must be protected in their liberty, their property, their right to contract and to labor."

In the face of Secretary Seward's construction of the recently ratified Thirteenth Amendment, and the resolution of John A. Bingham, a Republican member of Congress from Ohio, introduced two days after the message was read to carry into effect its recommendations by way of a Fourteenth Amendment to the Constitution of the United States, it is extraordinary that a lawyer like Senator Lyman Trumbull, the chairman of the Judiciary Committee of the Senate, should, with the support of senators like Sumner, Wade, and Doolittle, and members of Congress like Thaddeus Stevens, James G. Blaine, and Roscoe Conkling, a few days later by an amendment to the Freedmen's Bureau Bill and Civil Rights Bill insist on unlimited negro suffrage and on visiting the State judges with penalties for obeying the laws of their States, which prohibited negroes testifying in court. Still more extraordinary is it that such men would quarrel with a President for vetoing such measures

as unconstitutional, there not yet being any Fourteenth Amendment.

That something more was involved in the late strife than the mere freeing of certain slaves, had occurred to many of the men of previous legal training who had had experience in putting down the rebellion. They had their views and their experiences. Certainly those of Walter Q. Gresham had been different in the Natchez district from those of any man in Congress.

Mere learning and ability to argue do not make a statesman. Many men, says Lord Macaulay, by reason of their ability to argue fail to reach any conclusion, not to mention the correct one. Their less gifted fellows, but with keener perceptions, hit it off across lots, like a woman, and land right. In his life of Lyman Trumbull, Horace White confesses that he and Senator Trumbull were mistaken in contending that the Thirteenth Amendment, as Trumbull finally drafted it, conferred unlimited power on Congress in the late rebellious States. He also is mistaken in stating that Mr. Lincoln would have failed as Johnson did.

Twenty years later, while Walter Q. Gresham was United States circuit judge and Lyman Trumbull and ex-Senator Doolittle of Wisconsin — who broke with his party and joined with Trumbull in voting against Johnson's impeachment — were practicing attorneys in that court, I heard them and others discuss Andrew Johnson, "the impeachment," and the Thirteenth and the Fourteenth Amendments, as the lawyers say, up one side and down the other. Of the two, Mr. Doolittle seemed the brighter and quicker. Able and learned, Judge Trumbull did not always see things until they had passed him. But when he saw his mistake he hesitated not to make amends. Doolittle broke to Johnson's support sooner than Trumbull.

One evening at dinner in 1890, my husband said: "If the author of the Thirteenth Amendment ever knew, he has forgotten how to try an ejectment suit." I know enough

about an ejectment suit to know that the plaintiff if he recovers at all must recover on the strength of his own title. Continuing, Judge Gresham said: "Yesterday morning Judge Trumbull rested his case without proving an essential link in his chain of title. Trude,[1] for the defendant, —it struck me for the purpose of misleading Judge Trumbull and getting him where even I could not help him, — made a great showing for the defense. Judge Trumbull came back on the rebuttal but still he did not supply the missing link. Had he been a young man I would have told him what to do. Instead I said, 'Gentlemen, I have some matters in chambers I would like to dispose of this afternoon. It will accommodate me if you will let the argument of this case to the jury go over until to-morrow morning.' All looked surprised but consented. This morning Judge Trumbull asked leave to supply the missing link, which was granted, and we made short work of his case."

But going back to 1866, Walter Q. Gresham, as a member of the Committee on Resolutions of the Indiana State Convention, which met at Indianapolis on the 22d of February, took the lead in siding with Andrew Johnson and Congressman Bingham of Ohio against Sumner, Thaddeus Stevens, Trumbull, and the radical lawyers. There was a contest, but the majority and the controlling men on that committee were soldiers. General Benjamin Harrison was one of its members. Radical by nature, he was too good a lawyer to line up with "Thad Stevens." While he would not lead in an attack on Governor Morton, who was supposed to be — as he was — with the radicals, General Harrison always supported opposition to the "war governor." The resolutions indorsed Congressman Bingham's resolution for a Fourteenth Amendment; that is, to confer on the National government the power to protect the life, liberty, and property of the freedmen, which was the lawyer's way

1 Trude was one of the best trial lawyers who ever stood before judge or jury. He defended the Chicago newspapers in the libel suits that were brought against them.

of making them citizens but not voters. The resolution demanded that the United States government should make emancipation complete; that no State legislation should be tolerated that was designed to keep the blacks as a subject and servile race; that the Constitution should be so amended as to exclude representation while the right of suffrage was denied to any portion of the people; that the powers of the States lately in rebellion should be held in abeyance so long as the public safety demanded it. A speedy trial was demanded for Jefferson Davis, who was still held a prisoner in Fortress Monroe. This was a way of saying, "Turn him loose," as was subsequently done, when it was known the government was without the evidence to convict him on the charge of complicity in Mr. Lincoln's assassination.

John A. Bingham pressed the radicals, Stevens and Sumner, so hard in the debates in Congress that they, all except Sumner, came to his way of thinking.[1] April 13, 1866, Thaddeus Stevens adopted Bingham's plan, that there must be a Fourteenth Amendment to the Constitution of the United States. Of course Stevens added some amendments. One was a definition of citizenship. "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." And while partisanship may have been a potent factor, as Horace White says, in the framing and adoption of the Fourteenth Amendment, that partisanship — and it was not all on one side — is obsolete. The part which we have quoted, and which

1 "I might say here without the least fear of contradiction, that there is scarcely a state in the Union which does not, by its constitution or by its statute laws, make some discrimination on account of race or color, between citizens of the United States in respect of civil rights. But by act of Congress you can't strike down these discriminations. . . . The law in every state should be just: it should be no respecter of persons. . . . I would remedy that not by an arbitrary assumption of power, but by amending the Constitution of the United States expressly, preventing the states from any such abuse of power in the future."

In conclusion, Bingham quoted Chancellor Kent on the necessity of preserving our dual form of government: "It is to the state to protect life, liberty, and property that we must look in the first instance."

Bingham wrote, squared our dual system of government for the first time with the natural, inherent, and inalienable rights of man as Otis first applied them and as set forth in the Declaration of Independence. But with all the partisanship it did not make the freedmen voters. It did not confer the ballot on the freedmen. Sumner's amendments to that effect were voted down. That the "Dough-faces" and the Southern brigadiers were mistaken in rejecting the Fourteenth Amendment is manifest when we consider that Thaddeus Stevens said: "Accept the Fourteenth Amendment and I will vote to admit your senators and congressmen." June 16, 1866, Congress submitted it to the States for ratification.

Michael C. Kerr, the Democratic member of Congress from our district—which was then the second—voted against submitting the Fourteenth Amendment to the States for ratification. The convention which renominated Mr. Kerr on the 28th day of June, 1866, while Congress was still in session, declared against the Fourteenth or any other Amendment, and indorsed President Johnson's course in demanding the admission of the late rebellious States without condition. It declared that the late war on the part of the government of the United States became just and necessary to save the Union from disruption and the Union from overthrow, but that now the union of the States should in fact as well as in name be restored.

Against his wishes, General Gresham was substituted as the Union party candidate for Congress in the Second Indiana Congressional District, when W. T. Spicely, who had come out of the army as Colonel of the Twenty-fourth Indiana Volunteers, "declined the nomination for business reasons." The Democrats charged that the real reason was that the Colonel was still a Democrat, had voted for Breckenridge, and had been a member of the Lecompton Convention in Kansas. The Colonel retorted that he was against the Knights of the Golden Circle, and that he would stand by

the speech Gresham had made in nominating him — which it was said by others was a better exposition of the Fourteenth Amendment than Governor Morton had made a few days before. In his speech of acceptance, in his joint debates with Colonel Cyrus L. Dunham — a good lawyer who had made a fine record in command of the Twenty-ninth Indiana Volunteers, — and with General John T. Cravens, before Mr. Kerr returned home, and in his joint discussion with Mr. Kerr, Judge Gresham made his position clear, only incidentally waving the "Bloody Shirt." He said:

I like the people of the South to-day better than I did six years ago, but I do not want them to return to their allegiance without a guaranty to the loyal people of this country that the war will not have to be fought over. Whenever the South accepts the Amendment proposed, I shall cheerfully give my vote to admit her representatives in Congress. They abandoned their places; and now, with assurance almost equal to that with which they left, they come back and demand a restoration of their seats in Congress. And that same party, which stood in all its power and looked complacently on their going out, is clamorous in favor of granting their request, arguing that the moment we conquered them we restored them to their former loyalty, and hence they were qualified for their former positions.

This same party in 1864 declared the war a failure and its prosecution unconstitutional. Now they retract those words and say the soldiers saved the Union, but that their representatives in Congress (the government that could suppress rebellion cannot legislate against its repetition) remove the cause of the difference and secure the fruits of victory. The statement of the case carries with it the refutation of their conclusion.

The Union party, on the contrary, says the Union was not and cannot be dissolved, except by successful revolution, that the close of the Rebellion found the rebellious States "without civil government," and that by their treason the people of these States succeeded in getting out of their relations to the Federal government; that they exchanged their old and loyal for a new, disloyal

relation; that they forfeited their civil rights under the government of the United States, and in voting them rights, we have the power to demand terms by way of security for the future.

The Fourteenth Amendment is to do this:

It is legal and magnanimous; such that loyal men can accede to and only disloyal reject. The first section is simply to protect negroes in their dealings or contracts with Southern white men. It simply secures to all persons natural and civil rights; it does not confer political privileges. It does not confer suffrage, only citizenship. It is just as proper to say it confers suffrage on white women and children, or on negro women and children, as on negro men. Second, the Fourteenth Amendment is to prevent the Southern States from having a representation in Congress for their negro population and yet deprive the negro of the ballot. Third, to cause the Rebels to give some evidence of their loyalty before being admitted to all the rights of loyal citizens. Fourth, to guarantee the payment of the war debt and provide that the Rebel debt should not be paid.

In discussing the second section, he showed that the Democratic party — including his competitor, Mr. Kerr, who he said was his personal friend — intimated that the South should now have thirty members of Congress representing her negro population.

The party that prates about this being a white man's government not only asserts that the Southern Rebels shall be restored to all their rights, but they shall have thirty negro representatives in Congress.

One Confederate soldier should not be permitted to be equal to two Northern loyal soldiers at the ballot box. As it now stands, 60,000 white people in a district in the State of Mississippi, together with 60,000 negroes, send a representative to Congress, while here it takes 120,000 white people to do the same, so that any way you may fix it, the vote of one Rebel soldier is equal to the vote of two loyal soldiers of the North. And yet they denounce us as Abolitionists and advocates of social equality. The men that aided and abetted those who fought against the government are fighting that this unequal representation shall continue.

I will say unequivocally that I am opposed to it. If, as the Democrats say, this is a white man's government, why are they insisting on representation for the negroes of Mississippi? The Democratic party is connected by ties of consanguinity, as is manifested by the mulattoes with the negroes as is no other political organization.

The Union party has no disposition to make the negro equal to the white man, and its members have no fears that he ever would be their equal. I believed the whites to be a superior race, contrary to the belief of my Democratic brethren, as evinced in the terrible alarm about the blacks becoming their equals, and their eternal cry of having laws enacted to hold them back. They seem to believe that, now the negro is free, he would improve rapidly; that the good Democrats would soon be equaled or surpassed by him, unless his advancement was checked by law. Instead of attempting to check his progress, all the humane and Christian considerations as well as public safety and prosperity demanded that the negro be given the due and equal protection of the law.

But giving the negroes protection under the law was different from making them voters. "It is not logical to argue that because when I was very young, and before I knew the objects of the Know-nothing, I opposed granting suffrage to the foreigner, the Irishman, and German, therefore I am for negro suffrage. I admit I never was an advocate of unlimited suffrage."

In the joint discussion with Colonel Dunham before Congress adjourned and before Mr. Kerr got home, this question was put up to the Colonel: "Did not Mr. Kerr defeat you for the nomination because he [Kerr] was a member of the Knights of the Golden Circle, and you [Dunham] were not, but were at the front with your regiment?" Colonel Dunham said this was an unfair question and he would not answer it.

In the discussion with Mr. Kerr it was shown by the testimony taken before the military committee and by the statements of Horace Heffron, that on March 8, 1863,

Kerr was initiated into the order of the Sons of Liberty and Knights of the Golden Circle in Goff's saddlery shop in New Albany.

Jefferson Davis had commissioned Horace Heffron a major-general in the Confederate army, and early in 1863 General Heffron started out to organize an army in southern Indiana. The same organization was at work in southern Ohio and Illinois. One of the plans was to kill Governor Morton, release the prisoners in Camp Morton, and turn the State over to the Confederacy. Undoubtedly many men were brought into the organization without knowing its ultimate object. Until the time should arrive to come out in the open, enlistment in the Union army was to be discouraged and appeals made to those in the army to desert. In the discussion with Colonel Dunham, my husband read one of the Colonel's letters written to the Governor, giving him specific instances in which appeals were coming to men in his regiment to desert.

At many places there were personal conflicts but they never stopped a meeting. A large body of mounted and armed ex-soldiers, headed by the "Teagardens," came to a joint meeting in Orange County with a banner, "Loyal men vote for Gresham, traitors vote for Kerr." And it was with difficulty they were prevailed on as a personal favor to Mr. Gresham, to allow Mr. Kerr to speak. At Utica, in Clark County, the opposition filled the hall and said my husband should not be allowed to speak. He climbed in at one of the windows, so one of Henry Watterson's reporters afterwards said, "laid a revolver on the table, and made the bitterest campaign speech that was ever heard on the banks of the Ohio."

I listened to some of the speeches and think my husband erred in being too bitter. Sometimes he would begin his speech: "Mr. Kerr served in one army, I in another." I heard one of these speeches. The next morning at breakfast I said, "If all the men who were in Mr. Kerr's army

vote for him, you are beaten." He answered: "I can't be elected and I don't expect to be, but I can lead and drive enough of the soldiers to vote the State and legislative tickets to enable us to ratify the Fourteenth Amendment."

The membership of the Sons of Liberty or Knights of the Golden Circle in southern Indiana was large. It included practically all the Democrats who had not been in the Union army, and they made a majority.

At one of the joint discussions Mr. Kerr lost his temper and denounced General Heffron as a liar. Then General Heffron and a lot of the Knights announced their purpose of voting for Gresham, and they undoubtedly did so. Years afterwards it was said that Mr. Kerr was one of the men who disclosed to Governor Morton the treasonable character of the Knights of the Golden Circle. Had that statement been made in 1866, Gresham would undoubtedly have defeated Kerr. My father belonged to the Knights, never denied it, and voted for Kerr, but it made not the slightest friction with my husband.

By iterating and reiterating the statement that the Fourteenth Amendment conferred negro suffrage and that the radicals would control the Republican organization, some of the soldiers in southern Indiana, of Democratic antecedents and a majority of the voters, were held against the Republican organization. At the same time, George D. Prentice in the Louisville *Journal*, supplemented by the *Courier*, again published by General Simon Bolivar Buckner in Louisville after an intermission, was arguing against the Fourteenth Amendment because they said it conferred negro suffrage.

In his canvassing my husband had the aid of Benjamin H. Bristow and John M. Harlan, the Kentucky lawyers who afterwards became famous. In addition to canvassing his own district, Walter Q. Gresham was sent up to Shelbyville and to Senator Hendricks' old congressional district, to expound to the soldiers the Fourteenth Amendment.

Flags fluttered in the breezes, the bands played while the Democratic soldier was worked right up in front of the platform from which hung extracts in large letters from the speech which Senator Hendricks had made in February, 1863, in which he was urging the soldiers not to re-enlist, and deprecating the war as an Abolitionist war. Then the soldier speaker on crutches went at them, and it is said the returns showed that he got every Democratic soldier, even in Senator Hendricks' home town of Shelbyville, to vote for members of the legislature who would vote to ratify the Fourteenth Amendment.

On a normal vote the Second Indiana Congressional District was then 4,000 Democratic, and although many Kentuckians came to our side of the river to vote for Mr. Kerr and against the Fourteenth Amendment, Mr. Kerr's majority was cut to 1,750 and the Democratic State and legislative tickets suffered accordingly. The Union party, as it was then almost universally called, elected its State ticket and a working majority of the legislature. When the legislature assembled in January, 1867, it ratified the Fourteenth Amendment, displaced our friend Henry S. Lane, elected Oliver P. Morton to the United States Senate, and Walter Q. Gresham State Agent. The handling of the State's finances took Mr. Gresham often to New York, where the interest on the State debt was payable, and where the firm of Winslow, Lanier & Company was then, and continued to be, the State's fiscal agent. In the management of the State's finances, which were then involved, Walter Q. Gresham broadened his knowledge of finance, which was always sound.

Governor Morton was no sooner in his seat in the Senate in 1867 than he voted to incorporate negro suffrage into the Reconstruction Acts. The Fourteenth Amendment had not then been ratified by the requisite number of States. In a speech at New Albany, Indiana, July 19, 1866, Governor Morton recorded his opposition to negro suffrage.

This speech was delivered at Walter Q. Gresham's request, in response to the speeches made a short time before at New Albany by Senator Hendricks and Joseph E. MacDonald, arguing that the Union party was for negro suffrage and the Fourteenth Amendment would confer it. Enough has gone before to make it clear that the Fourteenth Amendment did not confer negro suffrage. That came through the Fifteenth.

James G. Blaine was right when he said that it was the soldier voter who ratified the Fourteenth Amendment, but he was in error when he said the election of 1866 meant negro suffrage, if he meant that the soldiers favored unrestricted negro suffrage. Many who could not break to the Southern leaders and the "Dough-faces" thought it was a breach of faith to impose negro suffrage on them. Governor Morton's action as to incorporating negro suffrage into the Reconstruction Acts, and its subsequent ratification by the Republican party, all but took Walter Q. Gresham out of that party.

CHAPTER XX

CANDIDATE FOR CONGRESS AND DECLINES SENATORSHIP

GRESHAM RESUMES PRACTICE OF LAW — AGAIN DEFEATED AS CANDIDATE FOR CONGRESS — ADVOCATES RATIFICATION OF FOURTEENTH AMENDMENT — OPPOSES THE FIFTEENTH AMENDMENT — REFUSES TO BE CANDIDATE FOR UNITED STATES SENATOR — DECLINES GRANT'S OFFER TO BE COLLECTOR OF PORT OF NEW ORLEANS.

NOVEMBER 1, 1865, when able to walk on crutches, General Gresham opened a law office in New Albany, Indiana, and clients flocked in. After a time a partnership was formed with John Butler of Salem, the firm being Butler & Gresham. Again the junior member was on the circuit. He liked the trial work. Often the lawyers were not employed until the term of court began. Then the defendants were met with their summons, the case set for trial and disposed of at the term. Presently Mr. Butler's son, Noble C. Butler, was admitted to the bar, and became a member of the firm. Then there was a dissolution of the partnership by mutual consent, and it was Gresham alone in the practice. A housekeeper knows whether business is good or not. We were in easier circumstances at this time than at any time afterwards. Most of Mr. Gresham's practice was trial work.

In the Orange Circuit Court he secured the acquittal of some soldiers charged with murder. Daniel W. Voorhees was special counsel for the State, and Judge George A. Bicknell, on the bench, did all he could within his sphere to convict, but the verdict was for the defendant. Before the trial began it was known that Judge Bicknell was "for the State," as the saying is. His charge to the jury was

anticipated and countered. My husband knew how to try a case before a jury. He knew the rights of an advocate and he respected them after he was on the bench. In 1864, while a number of the soldiers of the Twenty-fourth Indiana were home on a veteran furlough, one of their number, Thomas Parish, was killed by John McCoit at Orleans. Parish was then on his way to join his regiment. McCoit was a member of the Knights of the Golden Circle and was a leading Rebel sympathizer. When news of the murder reached other members of the regiment at Mitchell, where they were waiting to take the train for St. Louis to go to the front, they seized a hand car and proceeded to Orleans, only five miles north, and in the fight that followed in a hardware store where McCoit and others had barricaded themselves, McCoit was killed. The soldiers then went South and joined their regiment. On their return in 1865 they were arrested and put to trial. After showing that McCoit had belonged to the "Knights," my husband closed his speech for the defense by saying, that it was war, the only difference being that McCoit was in the army operating in the rear instead of the front. John F. Moore and Columbus Brown were acquitted in Orange County and Benjamin Wright in Lawrence County. As the saying is, they "venued" Wright's case to Lawrence County and continued it from time to time until September 12, 1868, when he was acquitted.

In 1867 the Fourteenth Amendment was still wanting in the requisite number of States to ratify it. The October elections that year in a number of States were adverse to the Republican or Union party. My husband no more believed in Thaddeus Stevens's financial policy (as will appear) than in his reconstruction policy.

On October 15, 1867, Mr. Gresham wrote to his former partner:

> The result of the election in Ohio and Pennsylvania, especially in the former, is most disastrous. Of course the negro question

had something to do with bringing about the result. Without the greenback question Ohio would have gone for us by at least 30,000 majority. How do you suppose Andy Johnson feels? You and others at Corydon had better stop talking about impeachment. The truth is, I have never allowed myself to speak of the President disrespectfully, and I can now remember with satisfaction how I stood up for him in our last State Convention.

My husband was a delegate to the Republican Convention that assembled in Chicago in 1868. Of course he favored General Grant's nomination. Again he was a candidate, but against his will, for Congress. Governor Baker came to the convention which met at Orleans, Indiana, and insisted on Gresham being nominated. Again Kerr was the Democratic candidate. The Indiana legislature of 1867, in order to make other districts certainly Republican, had thrown additional Democratic counties into the Second Congressional District. This made the district overwhelmingly Democratic. In the spring of that year, Henry Watterson had associated himself with the management of the Louisville *Journal*, and he and George D. Prentice jointly trained their guns on the Fourteenth Amendment, claiming it meant negro suffrage. The *Courier* was still under the editorship of Simon Boliver Buckner, who was saying that the States had never been out. It was more bitter but was less ably edited than the *Journal*. July 21, 1868, Congress declared the Fourteenth Amendment adopted, reciting that it had been ratified by thirty out of thirty-six States. Then the editors and Democratic campaign speakers declared that as soon as Congress met in December it would pass a law enfranchising the negroes *en masse*. Again there were joint debates.

Mr. Watterson published all the speeches of the Republicans of that year except my husband's. He afterwards said that Gresham's speech on the Fourteenth Amendment and what led up to it was the strongest made in its support, and as he, Watterson, was from personal and

political motives especially interested in the election of Mr. Kerr, he did not publish it. Later, Mr. Watterson adopted the Fourteenth Amendment. He was the first Southern leader to do so in good faith.

Thomas A. Hendricks, one of the best campaigners ever at the hustings, was the candidate against Governor Baker, who wanted to succeed himself. To Shelbyville, Mr. Hendricks' home town, to other points in Shelby County, and to other counties in Hendricks' old congressional district, my husband was sent to make speeches to get back into line the Shelby County soldiers who had been led off by Hendricks' assertion that if the Republicans succeeded they would at once give the negroes the ballot. Again, it is said the soldier orator satisfied the soldier voters that Hendricks' claim was untrue, and Governor Baker was elected and the Republicans carried the legislature.[1]

Again the Kentuckians had votes to spare to send across the river. Frank P. Blair was the Democratic candidate for Vice-President. He was deservedly popular with the soldiers, from General Sherman down. General Blair was making speeches in Indiana everywhere, except in my husband's district. He wrote to General Gresham: "I hope you will be elected." The Republican National Committee became alarmed about Indiana when they could not induce General Sherman to say even a word for General Grant as against Blair. General Sherman's silence was the subject of a special meeting of the Republican National Committee in New York. J. Russell Jones, the member of the National Committee from Illinois, and General Grant's special friend, was sent to Indiana "to straighten things out." Mr. Jones was later one of our near neighbors and friends in Chicago. Wealthy, he belonged to the school of practical politics. I can quote his words:

It was a delicate mission. After two or three days at the

[1] Hendricks lost only by 1,000 votes while Grant defeated Seymour in Indiana by 10,000. In 1872 Hendricks defeated General Brown for Governor by 1,000 while General Grant carried the State by 20,000.

Bates House in Indianapolis with 'Ham' Conner, the Chairman of the Republican State Central Committee of Indiana, I broached the subject of politics. After a general discussion, I asked him how things were in Indiana. "We are all right," he said, "were it not for the fact that the Democrats will bring so many Kentuckians across the river in the southern counties to vote that they may outvote us." I then looked at him hard and said, "Can't you get as many across the river as they can?" Conner replied, "Oh, yes, but that costs money." "I am here to pay the bills," I rejoined. We found that while the Kentuckian would cross the river to vote against the radical Republican ticket, he would not do so to vote it, so we established headquarters at Vincennes and LaPorte and operated most successfully across the Illinois and Michigan State lines, leaving the Democrats the southern counties, but we outvoted them. At Vincennes the bed bugs almost ate me up. On the way to the inauguration when we reached Altoona, General Grant said to me, "Jones, you have never indicated to me the place you want, so I guess I will appoint you Postmaster at Vincennes and let you fight it out with the bedbugs."[1]

Again my husband had the aid of Colonel Benjamin H. Bristow of Louisville in his campaigning. But again Mr. Kerr had a good majority.

Following the election the Greenfield Republicans came out for Gresham for United States Senator. "Ham" Conner, the chairman of the Republican State Central Committee, said he could be elected and offered him his support. A number of the members of the legislature proffered theirs. Governor-elect Baker offered his aid and even Senator Morton sent word that he would interpose no opposition to Gresham's candidacy for the Senate. In the face of the declarations on the stump and the party platform my husband considered it a breach of faith to engraft unlimited negro suffrage into the Constitution, and so it was that the declaration of the leading man in Washington, that the election of General Grant meant negro suffrage, led Mr. Gresham without hesitation to decline to be a candidate for the

[1] Mr. Jones was appointed Minister to Belgium.

United States Senate before the legislature elected in 1868 had assembled, which it did early in January, 1869.

On February 24, 1869, the men in Washington started the fifteenth of the suffrage amendments through Congress.

February 1, 1869, General Grant, as President-elect, wrote General Gresham, stating that he wanted Gresham to go to New Orleans as soon as the new administration came in, take the collectorship of the port with large perquisites, and be the President's adviser in that section. General Grant's letter was supplemented by one from John A. Rawlins, Secretary of War to be, urging his old comrade to accept Grant's offer and promising him almost unlimited discretion. When Walter Q. Gresham respectfully declined, John A. Rawlins' answer for Grant, under date of February 20, 1869, stated that Grant said he admired a man who could say "no" when an office was tendered him, more than he did one who could not accept "no" when he was asked for an office.

To his former partner my husband wrote:

Since I saw you I have received a very kind and flattering letter from General Grant, not written by Rawlins, but by himself. I have declined his offers and said to him that I expect nothing from his administration; that I am disgusted with politics and expect to keep clear of all such things in the future. Have just received a dispatch from Tom McCarty saying that he has information from Washington that General Grant is going to send my name to the Senate for a good office. I presume Tom's information comes from Governor Morton, but I guess my name will not be sent in as General Grant has certainly received my last letter before this.

My mind is now made up; I will accept no offer, I care not what it is. I know that you will laugh when I say that I have no political aspirations, and that I would not to-day go to the United States Senate if I could. I am disgusted with the whole thing, I think the Republican party is an infernally corrupt concern, and I don't care how soon it is broken up if the Democracy don't survive it.

Because Walter Q. Gresham was then opposed to negro suffrage, it must not be understood that he had abated any of his desire and purpose to elevate the black race. "Nothing stamped in the Divine likeness and image was brought into the world to be trodden on and degraded." He had been opposed to putting the black men into the army because of the bitterness it might and did generate. The attempt to rule the white through the black would be a failure and an injustice to both races. But to deny them the equal protection of the law, to keep them in ignorance and degradation, made them a menace to society.

The world was bright to me when I first saw Washington. It was just after General Grant's first inauguration. I saw it with young eyes. It was an enchanting place. Even the old National Hotel was a dream to me. Think of the stuffy, ill-kept rooms; the huge spittoons, not any too clean, around them and on every floor to be stumbled over; the darky servants not better kept than the rooms. And the table service was not better than we can find in any country town now. Ah, but there were the terrapin, shad, and the corn bread such as we cannot get now!

In the lobby and halls the great crowds made up of the senators, judges of the Supreme Court, country congressmen, and other public men of the day, were fascinating. Here men I had read about were met face to face. I dropped into the life, heard a lot of politics, and some gossip — for even statesmen and judges will gossip.

I remember how I sat in wonder as Judge Otto told me Mr. Lincoln was fond of gossip, too, for he used to slip out of the White House at ten o'clock and stay chatting until midnight. The world has always given women the credit of tattling, but I have heard men tell in an idle way things that a woman would only dare whisper.

My husband was very popular in Washington at this time. He was pointed out as the man who would not take an office. General Rawlins, Secretary of War, spread the

report. Ours was a pleasure trip. We made several later trips, mainly for the purpose of my husband using his influence for friends who had asked him to intercede for them with General Grant. Mr. Gresham dreaded the first trip. Notwithstanding General Grant's kind message to him through Rawlins, he thought that the President would be displeased with him because he declined to go to Louisiana for him, but he was mistaken. On his first visit to the White House, General Grant said, "You are a lawyer and I want you to accept the office of district attorney for Indiana." "No, General," he said, "I cannot accept it. I promised General Thomas Brown to speak to you for him for the place, and if you desire to place me still further under obligations to you, you will appoint him." General Brown was appointed. Many men whose preferment he secured repaid him with ingratitude. One of the men he suggested to General Grant was Benjamin H. Bristow. My husband's friendship for Bristow, after Bristow left the cabinet, almost cost him the good-will of General Grant. Bristow was one of Mr. Gresham's friends until death.

CHAPTER XXI

UNITED STATES DISTRICT JUDGE

APPOINTED UNITED STATES DISTRICT JUDGE FOR INDIANA — A BELIEVER IN ARBITRATION OF LEGAL DISPUTES — EQUITY PROCEDURE — PATENT CASES — THE NATIONAL BANKRUPTCY ACT OF 1867 — UPHOLDS TRIAL BY JURY — JUDGE GRESHAM'S METHODS WITH THE JURY.

SEPTEMBER 9, 1869, General Grant, without Walter Q. Gresham's knowledge, sent his name to the Senate as United States District Judge for the District of Indiana. There were many applications for the place. Senator Morton desired his partner appointed, Judge Kilby of Richmond, Indiana, but he made no opposition in the Senate when Mr. Gresham's appointment came up for confirmation. There was hesitancy about accepting. My father, who had forgotten the animosities of the war, advised against it. But the advice of lawyers and want of harmony with the policy and leaders of the Republican party, finally decided General Gresham's course. He was on the bench long before he was confirmed in December.

For several years prior to that time, John D. Howland had been Clerk of the District and Circuit Courts and Master in Chancery. He was an able and accomplished lawyer of wide experience at the bar. In familiarizing the new judge with his duties, John D. Howland was a great aid to Mr. Gresham. Mr. Howland died in 1877, when he was succeeded by W. P. Fishback. Gifted with the pen, Mr. Howland organized the Indianapolis Literary Club. As a member of the Committee of the Indianapolis Bar Association he drafted, without an interlineation or an erasure, a memorial on the life and services of Senator

Morton that received the unanimous concurrence of his associates and went into the records of the court. But for his age John D. Howland would probably have been appointed to the district judgeship instead of Walter Q. Gresham. It was supposed he was to be appointed instead of David McDonald in 1864, but at the last minute, so Thomas A. Hendricks said, Mr. Lincoln had yielded to the politicians and to his own impulses.

We continued to live at New Albany and went back and forth between there and Indianapolis. Thomas A. Hendricks, then out of the United States Senate, and Mrs. Hendricks were living at the Bates House in the Fall of 1869, and when we went there to spend the winter cordial relations were established with them that were never afterwards interrupted. I met most of the lawyers and many of the people of Indianapolis. Among my first callers were Ezekiel MacDonald and his wife. Ezekiel MacDonald was the son and partner of Joseph E. MacDonald. At this visit, Mr. MacDonald said, "I was almost afraid to meet your husband when he first went on the bench. Both times when he was a candidate for Congress, I canvassed his district against him, and I denounced him more bitterly than I ever supposed I could talk about any man. Your husband knew what I had said about him, for my speeches were published. We had never met. But when I called at his chambers, his greeting was cordiality itself."

Soon a United States Court was established at New Albany. In an important case in which his former opponent for Congress, Michael C. Kerr, was counsel on one side, and Alexander Dowling, one of the leading lawyers in southern Indiana and active as a Republican, was counsel on the other, Mr. Dowling and the Republican partisans of the time thought it strange that the justice of Mr. Kerr's client should win over Mr. Dowling's technicalities.

On his way to Washington to the meeting of the Supreme Court, Judge David Davis stopped at Indianapolis

to hold court and help the young judge take up the lines of his work. Judge Davis was one of Mr. Lincoln's appointments on the Supreme Court of the United States. He was the circuit justice then assigned to the Seventh Circuit, composed then as now of the States of Indiana, Illinois, and Wisconsin. After we went to live at Indianapolis, and in Chicago, Judge Davis was frequently our guest. He was an immense man in size. We had a special chair made for him. He was a great judge, and few of his or any other time excelled him in writing short, luminous opinions. He had not the gift of expressing himself extemporaneously, as he often had to do on the circuit, and I have heard him swear about the way a few of the newspaper men reported some of his oral opinions. Instead of editing, a reporter would sometimes quote him verbatim. And then the Judge would say, "That damn fellow misquoted me." Judge Davis was a very rich man. I have often heard him tell how he made money in buying land when he was a young man going through Illinois and Iowa. "We would always buy if we heard there was a piano in the neighborhood."

And there was Judge Thomas Drummond, the circuit judge. He was always our guest when he came to Indianapolis. Educated, cultured, and accomplished far beyond Judge Davis, he had not the facility and executive ability, it was said, for dispatching business that Judge Davis possessed. Judge Drummond was a native of Maine. He had graduated from Bowdoin. Coming early to Illinois, he had settled at Galena, served in the legislature with Mr. Lincoln, and was appointed United States District Judge for the District of Illinois by President Taylor. When the office of circuit judge was created in 1868, Thomas Drummond was appointed to that office for the Seventh Circuit. In the meantime Illinois had been divided and Samuel H. Treat was appointed District Judge for the Southern District of Illinois, while Henry H. Blodgett succeeded

Judge Drummond as the district judge for the Northern District of Illinois.

The office of circuit judge was created to help relieve the congestion of business that was then accumulating in the Circuit Court. Up to that time the district judges with the aid of the circuit justices had been able to keep the dockets of both the District and Circuit Courts clean. The circuit judge was also an intermediate Appellate Court between the district judges and the Supreme Court.

On May 1, 1870, while fishing on the abutment of Mauk's Mill on Indian Creek, two miles below Corydon, my husband slipped and fell on his left hip. The bone was broken just below the greater trochanter. At first, it was feared the fracture was in the neck or in the socket. If so, a union would probably have been impossible. Injured as the limb had been during the war, even as the fracture was finally diagnosed it was feared it would not unite. But after twelve weeks in bed the invalid was on crutches. His anxiety about his May term of court at Indianapolis,—he contemplated resigning in order that some one might be appointed so that the public business might not suffer—was soon relieved by Judge Davis, who wrote him, May 24:

> Immediately upon learning from Mr. Howland of the terrible accident that had befallen you, I replied to him that Judge Drummond and I would hold your court and remain as long as there was any business to do. I relieved Judge Drummond last week and will probably be able to close the term by the last of next week. Everything is moving along pleasantly, and although your absence is regretted and great sympathy felt for your misfortune, the public business will in no wise suffer.
>
> I congratulate you upon your success since your advent to the bench. You have already won golden opinions from the bar, and I feel assured that your reputation as an upright and able judge and courteous gentleman, already secured to you by the universal testimony of those I meet, will constantly increase.

One of the stories of that term of court will illustrate

Judge Davis's methods and how he cleared the calendar. General Benjamin Harrison, as attorney for the plaintiff, was insisting on going to trial in a case in which the attorney for the defendant was absent. Judge Davis suggested the case be continued. General Harrison was insistent. Finally Judge Davis said, "General, you are entitled, under the rules, to a trial and you can have it. I had a case of this kind the last time I was in the Circuit Court at Springfield. The attorney for the defendant was absent and I had to look after the defendant's interest. And, would you believe it, General, our side won." "Continue the case," said Harrison.

Alexander Hamilton's saying that "Justice is the end of government," Walter Q. Gresham always kept in mind. The place to vindicate the judicial system, he said, was in the court room.

Formula and English equity procedure, as Chief Justice Marshall had pointed out at the time of the adoption of our Constitution, were all the fathers had adopted of the British system of equity—not equity itself. The language of the Constitution of the United States is, "The judicial power shall extend to all cases in law and equity arising under this Constitution." But, as there is no definition of equity in the Constitution, when on the chancery side of the court Walter Q. Gresham believed in exercising and did exercise, in the particular case, that original flexibility of the rules of equity that gave rise to their existence and justified their name. This policy led to controversies, not only with parties lawyers but with some of his brethren on the bench.

The divisions and balances on the American system, not designed to produce immobility, Walter Q. Gresham understood better than most of his critics, because he understood better than they what had gone before.

A life tenure in the judges during good behavior, with appeals to the House of Lords to be decided primarily by

the law lords; the belief that the Commons would intervene, in the event the lay lords should fail to take a hand in seeing that substantial justice was done; and the retention of the jury—these provisions Walter Q. Gresham believed had made the modern English system of judicature (that is, since 1688) the best in the world.[1] And from the system of the mother country, the fathers, in organizing our own judicial system, did not so far depart as is now very unwisely and not correctly asserted (it *was* very unwisely asserted by many that they did) as to make the Federal judges absolute.[2] Attempts at absolutism on the part of the American judiciary, Judge Gresham believed would and should meet the same resistance and revolution that had reformed the English system.

Frequently have I heard it said that, "the tendency is for school teachers, preachers, and judges, especially judges with a life term, to become pedants. Because they have the only, or the last say, the tendency is to absolutism." Aware of this tendency Walter Q. Gresham was always on his guard against it.

Many a time in open court Judge Gresham advised opposing parties, instead of going to trial, to settle or arbitrate their differences. There were criticisms; but there were also precedents,—some of the best are not in the books.

One day at Springfield, a case came on for hearing before

[1] In 1884 in Hartado *vs.* California, 110 U. S. 516, page 531, Justice Matthews said: "The omnipotence of Parliament over the Common Law was or is absolute, even against common right and reason. The actual and practical security for English liberty against legislative tyranny was the power of a free public opinion represented by the commons."

[2] In the first milestone of the Constitution, Chisholm *vs.* Georgia, 2 Dallas 419, on page 458, Justice Wilson in 1793 said: "The principle is that all human law must be prescribed by a *superior.* This principle I mean now to examine. Suffice it, at present, to say that another principle different in its nature and operations, forms, in my judgment, the basis of sound and genuine jurisprudence; *laws derived from the purer source of equity and justice must be founded on the consent of those whose obedience they require.* The sovereign when traced to a source must be found in the man." Speaking before the Illinois State Bar Association, May 28, 1914, on the subject, "The Administration of Justice," William R. Riddle, a member of the Supreme Court of Ontario in the Dominion of Canada, touching on the absolutism of the American judges and its corollary the Judicial Recall, said: "The Court is not (at least in my country) the master of the people."

Justice David Davis on the equity side. A German had married back in Germany, and after the birth of three children had deserted his family and come to the United States. In Illinois he had married again, and after the birth of the third child of this union he died. Meantime he had acquired a fortune. The contest was between the two widows and the two sets of children. The second set claimed that proof that the decedent was the father of the first set was imperfect. Toward the end of the hearing, as the court convened for the afternoon session, Judge Davis said, "Gentlemen, this is the most perplexing case this court has ever been called to pass on. I am utterly unable to give you any information as to what the judgment of the court will be. Should the court hold the first marriage valid, it will bastardize the issue of the second marriage, and they will get no part of this large estate. If, on the other hand, the court holds the first marriage void, it will bastardize the first set of children and they will get nothing from this large estate. There is enough for all. Gentlemen, I can tell you this much: it will take this court a long time to reach a conclusion in this case. And now, while I hear Brother Connelly's application for a temporary restraining order, there is a vacant room to which you may retire if you desire to consult about the frailty of human judgment and the uncertainty of the law." They retired as suggested, consulted together, speedily came to a settlement, which was an equal division of the property, and then in open court dismissed the suit.

While an infringement of a patent is nothing but a trespass and should properly be considered on the law side of a court, the practice has been for the equity or chancery court to take cognizance of all questions relating to the validity and infringement of patents.

Soon called to sit with Judge Davis in a patent case, with eminent counsel on both sides, Judge Gresham was

astounded and humiliated at Judge Davis's frank remark, "We do not know anything about patents." True as to himself, for his practice had not run in that line, he thought it was not becoming a man of Judge Davis's ability and experience on the bench. But like many another man of no experience in patent litigation who went on the Supreme bench when in the meridian or past middle age, with no fondness nor aptitude for mechanics, Judge Davis never mastered that branch of the profession. It was the only department of law in which he was lame. Walter Q. Gresham determined that should not be true of him, so he applied himself industriously to that particular branch, and he mastered it, at least to the extent that he felt competent to decide every question that came to him. He was aided in thus qualifying himself, by Judge Drummond, a most excellent patent judge, who always insisted that Judge Gresham sit with him in the patent cases heard at Indianapolis. Ignorance of mechanics and prejudice against monopolies have led many men on the bench to be against all patents. It was easy to say, "There is no novelty in the device." Many were like Judge Davis, but few were so frank.

The old patent lawyer sought Judge Gresham's court. Many a time was our library cluttered up with briefs, records, and models of machinery in patent cases. One night at Indianapolis, when Judge Drummond and my husband were considering a suit for infringement on an improvement to a shuttle on a sewing machine, we brought down my sewing machine and I was the demonstrator. It was a late hour when we concluded, and when we did I knew how that case would be decided. It was not long until I had a new sewing machine.

So long as the Constitution of the United States and the laws to enforce it granted a limited monopoly to the inventor, the author, and the artist, Walter Q. Gresham considered it was his duty as a judge, in good faith to

recognize and protect that monopoly. It was against public policy to permit an employer to acquire a patent which an employee had secured during employment. Therefore, he held an assignment by an employee to an employer, in advance of the issuance of the patent and during the employment, void.

He made mistakes in patent and other cases and acknowledged and corrected them. In Gottfried *vs.* Crescent Brewing Company (9 Federal Reporter, 762, and 13 Federal Reporter, 479), after holding, in a written opinion, letters patent No. 42580, for pitching beer barrels, invalid because the process had been anticipated in Germany and St. Louis, on a rehearing, with models and further testimony, he reversed himself, and said: "The complainant's device was the first, and the proof shows that it is to-day the only means by which brewers are enabled to pitch barrels and kegs without removing the heads."

M. Romero, long the Mexican minister at Washington, in a sketch prepared after my husband's death, but which he did not publish because of reasons of state, had this to say about the judicial side of Judge Gresham:

One incident showed very clearly the good faith which controlled all Mr. Gresham's conduct. I had asked him, under instructions from the Mexican government, for the extradition of a Francisco Bonavides, who had organized an armed force in a portion of Texas, adjoining the Rio Grande River, and invaded Mexico, attacked a small detachment of regular troops that were stationed at a small town called San Ignacio, near the boundary line in the state of Tamaulipas, burned the place, including wounded soldiers, plundered everybody there, and as soon as he heard that Mexican troops were coming against him, left the place and returned to United States territory, with some prisoners to enjoy their booty, calling himself revolutionist. Mr. Gresham had sent me a letter dated on the 6th day of April, 1893, denying the extradition, on the ground that the offense was of a political character, and in this case he followed the opinion of the solicitor of the department, and acted in accordance with the practice

followed in previous cases, and of course that was on the safe side. I remonstrated against that decision, and told Mr. Gresham that I desired him to give me a hearing, just as if he was acting as a judge in the case, that is, to hear the opinion of the law officer of the department who had advised that decision, and then hear my reasons against it before that gentleman, so that he could be satisfied of the correctness of such facts as I would state them. He kindly agreed to do so, and on one afternoon we met and had an oral argument on both sides, which lasted over two hours, and after hearing all the details of the case, he came to the conclusion that I was right, that is, that the crimes of which Bonavides was accused were not of a political character, and, that, therefore, he ought to be extradited, and he wrote me a letter dated on May 13, 1893, in which he gave the reasons for changing his previous decision, which he had communicated to me. In my long experience in Washington, and in all my dealings with the officers of the United States government, I have never found another case in which they would manfully acknowledge that their decision was mistaken.

That jealousy of power that the people have always manifested against their Federal agents led to the early repeal of the first two National bankruptcy acts. The people preferred the insolvency laws of their respective States. The third Federal bankruptcy act, that of 1867, conferred broad and general powers on the bankruptcy courts. And the amount of work performed under it by the district judges, from its enactment until its repeal in 1879, was enormous. Every contested matter had to be heard by the district judge in the first instance. These judges were without the aid of registers, referees, or assistants. There were but few adjudications in the Supreme Court under the first two bankruptcy acts, and while the Supreme Court, as the Act of 1867 commanded, had made general rules for its enforcement, the onus of putting it into practical operation devolved on the district judges under the supervisory power of the circuit judges. The circuit judge was the Court of Appeals in the first instance,

and practically in many cases the final arbiter. The district judges early held that "proceedings in the bankruptcy case proper were proceedings in equity," to be governed by the rules and analogies of equity jurisprudence, and that the construction should be broad and liberal, not narrow and technical.

In the absence of a bankruptcy law and a secret agreement by a debtor to prefer one creditor over another, under the equity rules, as promulgated by the United States Supreme Court, an insolvent could prefer one creditor over another. But not so under the Bankruptcy Act of 1867; as the district judges, including Judge Gresham, construed it, all preferences were invalid. The object of the law, as they construed it, was to prevent an insolvent from making preferences in the payment of his debts. When the Supreme Court reversed this rule, as it did at the first opportunity, and upheld certain preferences, Circuit Judge Thomas Drummond took it on himself to rebuke that most august tribunal.[1]

In the Bankruptcy Act of 1898, the Congress, in language too definite to be construed or distinguished, adopted Judge Drummond's rule and rejected that of the Supreme Court.

Always respectful to the Supreme Court, Walter Q. Gresham always followed it. But he would sometimes threaten to resign before he followed it, and lack of sympathy with the way it was tending had much to do with his leaving the bench the last time.

Recognizing the power vested in the twelve jurors, he felt it to be his duty under the law to bring home to them

[1] Said Judge Drummond: "This case, that a debtor might, by acquiescence, merely by letting a judgment go against him, especially if it be brought about by a warrant of attorney executed long prior to his insolvency, give one creditor preference over another, rather took the profession — certainly a great many of the district judges — by surprise."

Then, after pointing out that the Supreme Court judges were not unanimous in their conclusions, that those whose judgments were in harmony reached that unison by conflicting reasoning, Judge Drummond distinguished the case he was then considering, from any decided by the Supreme Court, and knocked out the preference. Of course he declared he would follow the Supreme Court precedents in all cases in which they applied.

every argument to aid them in performing their function, namely, weighing conflicting evidence in a case. During the progress of a trial he would not hesitate to assist a young or inexperienced lawyer, to advise a lawyer as to the kind of an argument to make to a jury, or to denounce a witness or a party to a suit within the proper bounds; for denunciation, sarcasm, and invective are legitimate weapons in debate. He had used them at the bar. He would defend a party or a witness unjustly assailed. In a hotly contested lawsuit he could state the law, so sum up the evidence bearing on each side as at the same time to indicate to the jury which party should prevail, without leaving it to the defeated party to predicate error on the instructions as a whole, because the jury was left free to adopt the views of that party. It is this freedom of the jury that is the distinguishing feature of the English or American system of government. The judge is a part of the government. The jury is not.

Seldom it was that a jury failed or refused to find a verdict as indicated to them in the instructions, and but seldom did my husband give to a jury peremptory instructions to find a particular verdict. And never did he, as some Federal judges have done, threaten a jury that if they brought in a verdict different from that indicated, it would be set aside. Neither did he ever reprove a jury that failed to agree or refused to find the indicated verdict. Sometimes the argument of eminent counsel and clear instructions failed to control the judgment of the twelve men. Then, if there was nothing to indicate that any improper influence had been brought to bear, he concluded the fault was with the eminent counsel and the man on the bench rather than with the twelve in the box.

In 1886 Zack Hoffheimer was a struggling young lawyer in a back office in the Fort Dearborn Building in Chicago. A client was injured in a collision at a grade crossing on the St. Paul road. Eberling *vs.* Chicago, Milwaukee &

St. Paul Railroad Company was the title of the suit. When the case came on for trial Judge Gresham had three petit juries, and the courtroom and corridor were crowded with parties and witnesses. "Zack" started in with voluminous records to prove that the St. Paul Company owned the railroad. "Hold on, young man, we can't stop to listen to your records. Mr. Walker won't deny the St. Paul Company owns the road. Will you, Mr. Walker?" "No, sir." "Now, get to your case."

The plaintiff, Eberling, contended that at a much frequented crossing, the view to which was obstructed, he, with all due caution, looking and listening, drove on the crossing and was struck and injured by a train, which failed to sound the whistle or ring the bell. Edwin Walker, one of the eminent lawyers of his time, keen, forceful, and plausible to the last degree, showed by his witnesses that there was nothing to obstruct Eberling's view as he drove on the track in front of the approaching engine, and that the whistle was sounded at the whistle post and the bell rung thence until the crossing was reached and the collision occurred. After a clear argument by Mr. Walker, based on the evidence, "Zack" closed his case in a spread-eagle speech about directors, private cars, and the aggressions of corporations; not a word about the facts in the case.

"Tell me, gentlemen of the jury, if you can, how Eberling reached that crossing in time to catch that train if he was exercising due care and caution for his own safety," began one instruction. Then followed an argument by the court for the defendant that surpassed that of Mr. Walker, "Zack" said. But it was left to the jury to pass on the two contentions: (1) Whether it was the fault alone of the railroad company, and (2) whether Eberling used due care and caution as he approached the crossing to avoid being injured; if not, he could not recover. It was evening when the jury went out. "Zack" gave up his case as lost. Twelve ordinary men would not stand up against such a charge

and the clear opinion of the judge. Besides, if they found a verdict for Eberling, the judge would promptly set it aside. Morning came and a United States marshal stepped into "Zack's" office and said Judge Gresham would like Mr. Hoffheimer to come to the courtroom. There was the jury in the box, and Mr. Walker and a crowded courtroom.

"Mr. Hoffheimer, the jury has been out all night and have not yet reached a verdict. Mr. Walker is willing; will you consent that I send them in charge of the marshal to the crossing where the collision occurred?" Dazed by the question, "Zack" answered, "Yes, your Honor."

After viewing the premises the jury returned, went into their room and soon returned with a verdict for the plaintiff, and assessed his damages at $4,000. Mr. Walker promptly made a motion for a new trial. Still hardly realizing what had happened, Hoffheimer met Judge Gresham as he left the courtroom. "Zack, you have won your lawsuit," said the Judge, and the next day the motion for the new trial was overruled.

Now for the application: the question of the elimination of grade crossings was acute at that time. Since then, the elevation of railroad tracks in and about Chicago has ended the question.

In another case, in 1879, a defendant was on trial in the Federal court at Indianapolis before a jury for having violated the provisions of the pension laws in taking for his services, in obtaining a pension, a larger sum than was permitted by the statute, which was an offense punishable by fine and imprisonment. The judge was always jealous of the rights of all soldiers and all pensioners. During the trial the defendant became a witness in his own behalf, and testified that he had received out of the pension money collected a sum equal to ten per cent, amounting to one hundred and fifty dollars, but said further that this sum had been paid to him by the prosecuting witness, a soldier's widow, for legal services rendered in successfully defending

her against a criminal prosecution in a State court. He said that he had been appointed by that court to defend her for the reason that she had represented that she was without means to employ counsel; and that for his services in that trial, which occupied several days, the court had only allowed him the small sum of twenty-five dollars, whereas his services were of much greater value; that immediately afterwards she employed him to secure the allowance of her pension claim then pending in the department; that when the pension money was received it was deposited to her credit in a local bank, and then she said, "Now I will pay you for acquitting me. What is your fee?" To which he replied, "Whatever you please." And thereupon she had said to the cashier of the bank, "Give him ten per cent." And the cashier thereupon paid over the sum of one hundred and fifty dollars. The cashier was dead; she had already testified that she had paid this sum as the fee for obtaining the pension. At the close of his direct testimony, the prosecuting attorney began the cross-examination, which, as Judge Gresham thought, was being done in a lazy manner, and turning to the witness he said, "Let me ask this witness a question or two and see if I can't get at the truth. Do you think that the court would have paid you the fee you received, if he had known that this woman had a pension coming out of which she would pay you?"

Mr. Harris, the defendant's counsel, interrupted, saying to the court, "While I don't object to your Honor examining my client, I do object to his being required to answer as to what the court might have done had this woman told him that she had a pension claim, and that she expected to hire the defendant to get it and then intended to pay him for her defense."

The judge turned, and in his frank but firm manner said, "I did n't put the question that way." There was no stenographer. And so Mr. Harris said, in a half jocular and half earnest manner, "I'll leave it to the jury." The

judge responded at once, "That's fair. I'll leave it to the jury, too." He then turned to them and said:

"Here is a question between Mr. Harris, a member of the bar, and myself, the judge, and we have agreed that you shall decide between us. Now you are not to be controlled by the fact that I am on the bench and Mr. Harris is at the bar, for in this court the bench and the bar are all officers of the same court and stand on an equality. Now, men, you are to determine whether I asked the question as Mr. Harris said I did. Do your duty."

The jury took the matter very seriously and gathering closely around their foreman, whispered together for a short while, and then returned to their seats. Whereupon the judge said, "Mr. Foreman, are you ready to report?" "We are." "What is your report, Mr. Foreman?" "Well, Judge, we all think you're dead wrong."

The judge and everyone in the courtroom, except the jury, laughed heartily. Then the judge, turning to the district attorney, said, "Go on, go on in your own way."

At the close of the case the jury returned a verdict of "Not guilty." At once the defendant arose, and with tears running down his face asked permission to thank the jury for his acquittal. The judge said, "Yes, you may, and I join with you, for had the verdict been otherwise, I might have felt that I had wrongfully influenced the jury in the discharge of their duty."

During an investigation by the regular grand jury, of the affairs of the First National Bank of Indianapolis, the district attorney was instructed by the attorney-general that he had been ordered by President Hayes to discontinue the investigation. Thereupon the grand jurors filed into open court during the trial of a case in which Thomas A. Hendricks was one of the counsel and asked what they they should do in the premises. "The President of the United States has no more control over your deliberations than the Czar of Russia. You have been told what the

law is; if you find it has been violated, you should return indictments against the guilty parties." Subsequently, there were indictments. As the jury retired to their room, the judge said, "Go on, Governor." At the adjournment of court, Governor Hendricks asked, "Don't you fear those instructions will get you into trouble?" "It had n't so occurred to me," Judge Gresham replied. At the governor's instance, they were reduced to writing and filed with the clerk, but never seem to have been included in the reports.[1]

1 The reported opinions of Judge Gresham while he was on the district bench are found in Volumes 2 to 11 of Bissell's *Reports*, and Volumes 2 to 17 of the *Federal Reporter*.

CHAPTER XXII

RAILROAD RECEIVERSHIPS

MONON ROAD DIFFICULTIES — RAILWAY MORTGAGES UNLIKE OTHER MORTGAGES — SUPREME COURT UPHOLDS JUDGE DRUMMOND'S CONCLUSION AS TO RAILWAYS BEING PUBLIC CONCERNS — CONTROVERSY OVER MR. PIERCE AS RECEIVER — LEGISLATION CONCERNING PUBLIC SERVICE CORPORATIONS.

ONE of Walter Q. Gresham's first judicial acts brought him in touch with a question that became of the greatest importance to the country,— the public character of the railroads, their organization, reorganization, and the integrity of their management. It was a departure from fundamentals to hold that the earnings of a railroad shall be applied in the first instance to the payment of wages and salaries, for supplies like coal, oil, tools, machinery, rails, engines and cars, and for balances to connecting lines in order to keep the railroad in operation, before any payments are made on account of the capital that went to construct the road; in other words, bondholders and stockholders only get the net over and above the cost of maintenance and operation. As a corollary to this it was said that in the case of insolvency and a receivership that the receiver, after discharging the costs of operation, should use his net in paying the arrears to labor and supply men that existed at the time he was appointed, before making any payment on the interest or principal of the bonds, especially in cases where the railroad company had used the earnings that should have met the cost of operation and maintenance in paying the interest on the bonds in order to postpone a

foreclosure. In some cases, like those last mentioned, in the event of the sale of the railroad, the proceeds of the sale were and are applied to liquidate the unpaid labor and supply claims before the bondholders realize anything.

When Judge Gresham went on the bench this question had been suggested in a case that had been pending for twelve years in the Circuit Court of the United States for the District of Indiana, namely, Williamson, Trustee, against New Albany & Salem Railroad Company, afterwards the Louisville, New Albany & Chicago Railroad Company, now the Chicago, Indianapolis & Louisville Railroad Company, or the "Monon Line."[1] The New Albany & Salem Railroad Company, organized to build a railroad from New Albany thirty miles to Salem, Indiana, was one of the first railroad corporations chartered by the State of Indiana. "Its history," an old lawyer for the plaintiff told the jury, in a hotly contested personal injury suit, "is written in every graveyard along the line." It began by making a mortgage to secure funds to construct and complete its line; and as it extended north, finally to Michigan City, two hundred and eighty-eight miles, it executed in all five mortgages. These mortgages covered, in addition to the railroad, acquired and to be acquired, all the personal property of the corporation and its earnings.

In 1857, David D. Williamson, the trustee in these mortgages, brought a suit in the United States Court for the District of Indiana entitled as above, and asked, in addition to the foreclosure of the mortgages, the appointment of a receiver for the railroad corporation and all its property, because the net earnings from the operation of the road had been used in paying laborers and strikers, in paying contractors for construction work done on the extension of the line, and in repaying borrowed money, although leaving much still unpaid, instead of paying the interest on the mortgages that fell due January 1, 1857.

[1] 1 Bissell 198.

Justice McLain of the Supreme Court, sitting as the circuit justice, in November, 1857, heard the motion for the receiver. He declined, inasmuch as the appointment of a receiver was a matter within the discretion of the court, then to appoint one, but retained jurisdiction, with the right to Williamson to renew his motion, because, as the justice said: "If a receiver had been in possession, I would have required him to do what has been done by the company." Therefore he ordered the company to report to the court at stated intervals the gross and net earnings, and that the net earnings be apportioned between the mortgage creditors whose interest was in arrear, and the holders of the floating debt incurred to meet operating expenses and the completion of the line north. That the use of the earnings and the borrowed money in completing the line had benefited the holders of the bonds, aside from the consent of some of the bondholders, was the justification Justice McLain made for his ruling. Not a word did he utter about there being any difference between a mortgage on the property of a public service corporation and a mortgage on a farm or a house. There were few consent orders, such as the change of the corporate name of the railroad company, no reports, but proper continuances from term to term, and thus the case stood until the November term, 1869, of the United States Circuit Court for the District of Indiana.

Meanwhile Williamson, as trustee under the mortgages before mentioned but representing only a part of the bondholders secured by these mortgages, without notice to the other bondholders and without leave of the Federal court but with the consent of the corporation, had, by proceedings regular on their face, procured from the Common Pleas Court of White County, Indiana, the appointment of a receiver for the railroad and all the property of the railroad company, then a decree of foreclosure and a sale and a conveyance on the 21st day of June, 1869, by the sheriff

of White County, Indiana, of all the property of the company to a corporation recently organized under the laws of Indiana differing in name from the old only in that the word "Railway" was used instead of "Railroad." From this reorganization, typical in many respects of railroad "wrecking," except the few bondholders and stockholders who brought it about, all the other bondholders, stockholders, and floating creditors were excluded. August 1, 1869, Williamson died.

November 1, 1869, John S. Shaw, one of the frozen-out bondholders, appeared before the new district judge in the case of Williamson, Trustee, *vs.* New Albany & Salem Railroad Company, showed the proceedings by the White County Common Pleas Court, suggested the death of Williamson, showed that Charles E. Bill, the alternative trustee to Williamson in the five trust deeds or mortgages of the New Albany & Salem Railroad Company, was alive and living in New York, and asked that cause be shown why Bill should not be substituted as complainant instead of Williamson, why a receiver should not be appointed for the Louisville, New Albany & Chicago Railroad Company, the old company, and why he, Shaw, should not be made a party to the suit, to be entitled Bill, Trustee, *vs.* Louisville, New Albany & Chicago Railroad Company, to look after his own and the interest of those bondholders similarly situated as he was.

November 10, 1869, Henry Crawford, one of our townsmen, who afterwards became famous as a lawyer in the reorganization of railroads, one of the ablest in his line, appeared for George L. Schuyler, the president of the Louisville, New Albany & Chicago Railroad Company or the "Monon Company," and resisted Shaw's motion. James Hughes and Samuel Huff represented Mr. Shaw. After a full hearing an order was entered that Bill be substituted as complainant instead of Williamson, that Shaw be made a party to protect his interests, that the bondholders who

had procured the White County proceedings be made parties to answer as to their acts, that as to the appointment of a receiver the case be continued, and that in the meantime a copy of the order as entered be served on Bill in New York and proof of the service on Bill be made on or before the 1st day of February, 1870.

At the time appointed, Bill, as the survivor and successor in trust to Williamson, appeared in the suit in the Federal court, and then as complainant lined up with the wreckers and moved to dismiss the suit. This motion after argument was overruled June 4, 1870, by David Davis, the circuit justice, while District Judge Gresham was laid up with a broken leg.

November 29, 1870, Thomas Drummond, the circuit judge, and his associate, District Judge Gresham, sustained the balance of Mr. Shaw's motion and appointed George H. Chapman receiver of the Louisville, New Albany & Chicago Railroad Company. Judge Drummond delivered an elaborate opinion, showing the necessity for this action, that the proceedings in the White County Court were collusive and void and if enforced would put a minority of the bondholders and stockholders into absolute ownership of the property of the Louisville, New Albany & Chicago Railroad Company, worth many times the face of their securities or their interest in the property, to the exclusion of the majority of the bondholders and stockholders of that company, to say nothing of the claims of the unsecured creditors. Disclaiming any purpose to interfere with the rightful jurisdiction of the State court, no matter how much they might regret it, they could not shrink from a contest with that court, for by Justice McLain's orders in 1857 and the subsequent orders the property in controversy had been in the interim as much in the custody of the Federal court as if a receiver had been appointed in 1857.

Mr. Schuyler, as president of the "Monon Company," refused to turn over the property when General Chapman

came to New Albany, the headquarters of the company, to take possession, standing on the proceedings in the White County Court. There was much excitement at New Albany, and talk of what would be the consequences of a conflict of jurisdiction between the State and Federal courts.

Meeting Henry Crawford on the street, Judge Gresham said: "Harry, you and your client will get into trouble if you continue to defy our authority. You should advise them to acquiesce." The advice was given, and without further friction brought prompt acquiescence. Many people said: "Somebody should have been put into jail for contempt of court." That was a power Judge Gresham believed in exercising sparingly, and, as a matter of fact, he never did exercise it. To the lawyers, as officers of his court, Judge Gresham never hesitated to appeal, seldom to threaten. Through his associates at the bar he often worked more successfully than through the marshal.

In the order appointing General Chapman receiver of the Louisville, New Albany & Chicago Railroad Company, he was directed to pay all claims on the payrolls, all claims for supplies, balance to connecting lines, and claims for stock killed that had accrued for a period of three months previous to his appointment. This is the first order of that kind ever made in a contested suit.[1]

It was in this suit and in other suits in which receivers were appointed in the Seventh Circuit that Judge Thomas Drummond developed the policy first suggested by Justice McLain, and finally adopted by the Supreme Court of the United States, that railroads were public utilities and that in the management of railroads by receivers in foreclosure proceedings, mortgage liens might be displaced in favor of parties with claims in which ordinary litigation, and litigation prior to that time, would be subject to the mortgage.

At one time more than half of the railroad mileage in

[1] This order is in the court records but not in the books.

Illinois and Wisconsin was operated by receivers appointed by Judge Drummond and the Federal district judges within those States. The question arising out of the operation of a railroad Judge Drummond discussed with his "brethren," the district judges, as he called them. He discussed such questions with my husband.

Although Judge Drummond had said in 1864, in the Chicago & Alton foreclosure,[1] that "a railroad mortgage is the same as a mortgage on a farm or house," and therefore he could not allow claims for supplies that went to better or improve the road before the appointment of a receiver, yet the exigencies of the situation, as he himself soon said and often repeated, forced a change in the rules. "A railway mortgage is not like an ordinary mortgage on a farm or a house. A railway is a matter of public concern." Operated largely on credit for labor and supplies, Judge Drummond said, when applications were made to him to appoint a receiver, that arrears for wages and supplies that kept the railroad in operation should first be liquidated. This he did under the equity powers of the court.

The records of 1859 in the clerk's office of the Circuit Court of the United States for the Northern District of Illinois show that originally, in 1859, in appointing the receiver in this identical Chicago & Alton foreclosure, Judge Drummond had directed him to pay certain unliquidated claims which had accrued in the operation of the road prior to his appointment. This order is nowhere mentioned in the reports of the decisions of the courts. It was in large degree a consent order — that is, the mortgagees or the bondholders consented, indeed urged, the appointment of the receiver subject to the payment of the claims. Judgment creditors, that is, other creditors than the bondholders, objecting to the appointment of a receiver and to the jurisdiction of the court, were charging that the mortgage securing the bonds was invalid, because it undertook to

[1] Denniston *vs.* Chicago, Alton & St. Louis Railroad Company, 4 Bissell 414.

cover real estate—right of way and station ground—and personal property, such as engines, cars, handcars, tools, and other personal property, including earnings. There was no statute of Illinois then or now authorizing real and personal property to be covered by the same mortgage. In the ordinary mortgage on a farm or a house in Illinois at that time personal property could not also be included. In other words, a creditor could only secure a lien on personal property by a chattel mortgage, executed and recorded with formalities different from those that attended the real estate mortgage. The judgment creditors argued that engines, cars, tools, coal, and other supplies are personal property. Assuming the validity of the railroad mortgages as to the right of way and the depots, the judgment creditors argued that the real estate mortgage did not cover the cars and engines, and therefore, the liens acquired by the executions issued on their judgments, and levied on certain cars and engines, were the first liens on the engines and cars. To have recognized their claims would have dismembered the property, for without engines and cars a mere railroad track would not be much of a railroad. This forced the courts to differentiate the railroad from the farm and to declare that the chattel mortgage acts of Illinois and of other States did not apply to rolling stock, conceded by all to be personal property, neither did the statutes as to the ordinary real estate mortgage, such as covered a house or a farm, apply to a railroad mortgage. Under the law in Illinois, as in most States, when real estate is sold under execution or on foreclosure, the debtor is given the right for a year or more to redeem by paying his creditors in full. But it was decided this right to redeem, or "equity of redemption," of which the Supreme Court of the United States said an equity court could not deprive a debtor, did not apply to railroad property. In other words, that in selling a railroad many miles in length, covering many different parcels of real estate, and including engines, cars, and tools, it

should be sold as an entirety, and that there should be no equity of redemption.

It was further objected in 1859, in the Chicago & Alton foreclosure as in other cases, that inasmuch as the railroad mortgages provided that the bondholders could take possession of the railroad and appropriate to their own use the income and earnings, therefore a Federal court had no power to appoint a receiver at their instance. So in order to get within the protecting arm of the Federal government, the bondholders in the first instance made concessions to judgment creditors, and to other creditors — they agreed to pay all sorts of claims. The courts in "dispensing" statutes had to do the same. This distinction the Supreme Court afterwards ignored when the bondholders recanted their position as supplicants, as disclosed in Judge Drummond's orders in 1859 and his words in 1864, and demanded as a matter of right that the court, by a receiver, recognize only in the first instance the mortgage lien. Judge Drummond's proposition that a railroad mortgage is not like an ordinary mortgage on a farm or house was resisted over and over again. One eminent lawyer, Abram W. Hendricks, who always appeared for the bondholders, after a heated argument, in which he could not change the judge's opinion, said: "God rules in Israel, but Thomas Drummond in the Seventh Circuit."

A popular phrase was, "It was paying the Tin Bucket Brigade first." Colonel R. G. Ingersoll coined this expression in an argument in which he appeared for the bondholders, but its utterance made more for the engineers, firemen, trainmen, and trackmen whose claims for back pay he was resisting, than his eloquence and logic for the bondholders. Much of the credit and discredit for first incorporating the principle in our jurisprudence was laid at Judge Gresham's door. Neither are his due. But in blazing the way, Judge Drummond had Judge Gresham's cordial support. Indeed, the junior repeatedly urged his senior and

superior to put his views in writing in some of the numerous cases that came before him. Judge Gresham did not think it comported with the proprieties to write an opinion in such a case so long as his superior had not, in a formal written opinion, recanted his views as expressed in 1864 in the Chicago & Alton case.

In the practical operation of railroads by receivers, Judge Gresham followed Judge Drummond's oral views and the practice the exigencies dictated. He did so in the order appointing General George H. Chapman, in November, 1874, receiver of the Lafayette, Muncie & Bloomington Railroad Company.

November 1, 1874, Judge Drummond appointed General James H. Wilson receiver of the St. Louis & Southeastern Railroad Company, which built the railroad from St. Louis to Nashville via Evansville, Indiana, now a part of the "L. & N." system. April 1, 1875, in response to a rule to show cause why certain judgments theretofore rendered in the State courts against the railroad company for damages for killing stock and for ties furnished should not be paid, Judge Asa Iglehart, the counsel for the receiver and the bondholders—it was they who had secured the receiver—strenuously objected. Elijah M. Spencer, a practicing attorney of Mt. Vernon, Indiana, and General J. M. Shackelford of Evansville represented the claimants. Judge Iglehart, than whom no one was abler or more eminent in his profession, insisted that the rule of law requiring the discharge of the mortgage or bond obligations first, or before the payment of judgment for stock killed and for ties, was *inflexible*. To quote an eyewitness, Judge John W. Spencer of the Indiana Supreme Court and the son of the chief counsel for the claimants:

> Judge Gresham mildly expostulated that the rule should not be literally enforced, as in doing so it would work a hardship—injustice. Judge Iglehart contended for a rigid compliance with the rule, and in an animated argument iterated and reiterated

that the rule was *inflexible*. Judge Gresham asked him a few times if he would urge the *inflexibility* of the rule. "Yes," vehemently replied Judge Iglehart. "Well," said Judge Gresham, "in this instance we will *flex* her a little. To do otherwise would fail of doing *justice*, and it may save the receiver and the court great inconvenience and trouble, for otherwise those Wabash farmers are liable to take up a part of this railroad and throw it into the Wabash River."

Equity or justice to the individual was the only thing that could give the equity courts, when acting as part of the administrative power of the Federal government, the confidence of the people and of the local authorities—a thing that helped, if it did not enable, the Federal court of the National government to perform its functions.

It was not until 1878 that Judge Drummond put his views for his policy in writing, when a final stand was made against him by the bondholders because of the large amount of claims he proposed to make them pay before they could get possession of their railroad after they had bought it at a foreclosure sale.[1] Exhaustive arguments were made by Ashbel Green, the author of standard textbooks, J. D. Campbell, General Benjamin Harrison, R. E. Williamson, J. Augustus Johnson, G. W. Parker, and Charles W. Fairbanks against the judge's policy. John M. Butler, William A. Ketchum, Samuel M. Harrington, and A. J. Gallagher defended it. It is significant that Judge Drummond admitted that there was no legal principle or equitable rule for his course. But if we admit the premises that a railroad mortgage is not like a mortgage on a farm, and that the appointment of a receiver is a matter in the discretion of the court, there is no escape from his conclusion:

The appointment of a receiver is, to a great extent, a matter of discretion in the court, and it has been thought that the court might require the receiver to pay certain of these claims, and even hold the property subject to them; not as a lien on the road, but

[1] Turner *vs.* Indianapolis, Bloomington & Western R. R. Co., 8 Bissell 315.

in the exercise of the equitable discretion of the court in dealing with property which is of a peculiar character, and under circumstances of which the past system of litigation affords no example or precedent. Then it was that Judge Drummond said, "*It [a railroad mortgage] is not like an ordinary mortgage on a farm or a house. A railway is a matter of public concern.*"

During the discussions which have taken place on this subject, the allowance of these back claims has been sometimes called a lien, but in point of fact, it never has been, nor can it be, justly so considered, but, as already stated, as an exercise of the equitable power of the court in the premises.

If necessary, in order to make a railroad safe to operate, Judge Drummond would use the surplus earnings of the receivership to purchase new ties, iron or steel rails or rolling stock, or in building bridges, even, instead of paying the "Tin Bucket Brigade" for back wages. But if so, he would require the bondholders to pay the back claims because the surplus earnings of the receivership which should have been applied in payment of wages had been used to better the property. Especially would he do this if before the receivership money due for wages had been diverted to pay interest. "It has not infrequently happened that railroads which were comparatively worthless when they came into the possession of the court, have become, under its administration, valuable property." And his final words were: "The experience of the court has satisfied it that it would be well nigh impossible, looking at things as they actually exist, to operate railroads by receivers without providing for payment of claims such as labor and supply and other claims before applying the proceeds of the property to the payment of the bondholders' claims."

In many cases in which the Supreme Court of the United States has passed on this question it has given many reasons for its conclusions—like a woman's, not all consistent,—but it finally came to Judge Drummond's conclusion, paraphrasing his words, "that a railroad mortgage is not like a

farm mortgage; a railway is a matter of public concern." Before it did so it reversed, criticized, and rebuked Judge Gresham for following Judge Drummond's rule. In order to do so, it had to retrace some of the steps and use as its major premise Judge Drummond's discarded language of 1864 in the Chicago & Alton case.

When it came to public service corporations, Judge Gresham followed Judge Drummond, who, that the purpose of the legislature might prevail, took the same broad view in construing the legislation of Illinois and Indiana looking to the formation of connecting and through lines of railroads, that validated the mortgages of railroad corporations. Justice Harlan on the circuit followed this method of statutory construction, but they were all reversed[1] by the Supreme Court, which held that the grant of corporate powers to railroad corporations whereby one might acquire the right to operate the railroad — not a competitor — of another so as to make a through direct line, should be strictly construed, and that any contract or lease — and a lease, the Supreme Court said, was not a contract in the ordinary sense of the term — not within the strict letter of the statute was void, or *ultra vires* the powers of the corporation. This rule of construction would have invalidated many of the railroad mortgages the Supreme Court sustained. The cases arose out of the Vanderbilt and Pennsylvania interests endeavoring to reach the Mississippi by leasing lines of railroads crossing the States of Ohio, Indiana, and Illinois, and guaranteeing the rental of the lesser companies.

The doctrine of fellow servant Judge Gresham never believed in, and he was never called on to apply it. Defects in machinery were not one of the risks an employee assumed. Promptness and expedition being required of railroad employees — especially a brakeman making a coupling, — safe conditions were, on the other hand, guaranteed

[1] St. Louis, Alton & Terre Haute *vs.* Pennsylvania Company.

CHAPTER XXIII

THE GREAT RAILROAD STRIKE OF 1877

CAUSES LEADING UP TO THE STRIKE — REDUCTION OF WAGES OF RAILROAD EMPLOYEES — STRIKE BEGINS IN WEST VIRGINIA — SPREADS TO PITTSBURGH AND INDIANAPOLIS — JUDGE GRESHAM PREPARES TO HANDLE THE SITUATION — APPOINTS OLD SOLDIERS UNITED STATES MARSHALS TO PROTECT PROPERTY AND MOVE TRAINS — MILITARY ORGANIZATION EFFECTED TO SUPPORT MARSHALS — POWER OF FEDERAL COURTS CONSIDERED — ARREST OF STRIKERS WHO INTERFERED WITH MOVEMENT OF TRAINS ON ROADS OPERATED BY RECEIVERS.

THE depression following the panic of 1873 was perhaps the longest continued that ever followed a reaction such as always comes after a period of expansion, inflation, and speculation. Many railroad corporations had become insolvent in Indiana, Illinois, and Wisconsin, and their roads were operated by receivers appointed by Federal courts. Among those, in part, within the jurisdiction of the United States Circuit Court for the District of Indiana were the Ohio & Mississippi Railroad from Cincinnati to St. Louis, with a branch from Vernon, Indiana, to Louisville, now part of the Baltimore & Ohio system; the Indianapolis, Cincinnati & LaFayette, the White Water Valley Railroad, the Cincinnati, Muncie & Fort Wayne, now part of the Cleveland, Cincinnati, Chicago & St. Louis, or "Big Four" system of railroads; the LaFayette, Muncie & Bloomington, now the Lake Erie & Western; the Logansport, Crawfordsville & Southwestern; the road from Logansport to Terre Haute, now a part of the Vandalia system; and the St. Louis & Southeastern, the road from

St. Louis through Evansville to Nashville, now an important part of the Louisville & Nashville system.

Coming down to 1877, there had been several reductions in the wages of railroad employees. Still further reductions averaging 10 per cent were to go into effect August 1 of that year. On many roads the wages were as much as six months in arrears. The payrolls were postponed to meet the interest on the bonds secured by mortgages on the railroads. But this was no longer true of the railroads operated by receivers, and neither was there to be any reduction in the pay of the wages of the men employed by the receivers.

The wages paid the men were on the average as follows: Freight conductors before the panic of 1873, per day, $2.14; in 1877, $1.71. Freight brakemen before the panic of 1873, $2.05 to $1.80; in 1877, $1.42 to $1.15. Switchmen before the panic of 1873, $1.90 per day; in 1877, $1.46. Freight firemen before the panic in 1873, $2.55 to $2.05 per day; in 1877, $1.90 to $1.32. Switchmen, $60 per month before the panic in 1873, and $40 to $45 per month in 1877. Yard engineers before the panic in 1873, $2.90 per day and $2.02 in 1877. Yard firemen $1.50 before the panic in 1873, and $1.20 in 1877. On some of the roads there were higher wages, but such roads were exceptions.

In June, 1877, and the early part of July, all over the country there were conferences between the men and the managements. In some conferences the men simply protested against the reductions; in others they demanded the restoration of the scales of 1873. But in the end all apparently accepted the reductions, except the firemen and freight brakemen, and only a small part of these, on the Baltimore & Ohio Railroad at Martinsburg, West Virginia, refused longer to work and "struck." On July 16 the only company of West Virginia State Militia arrived at Martinsburg, as the strikers at this point had resorted to violence and refused to permit trains to be moved.

This small force could not quell the riot. The railroad company claimed it had plenty of men to take the places of the strikers, and that the engineers and freight conductors were ready and willing to work The next day Governor Matthews called on the President for aid, as he said there were no State troops in West Virginia and there was no provision by law for the organization of a State militia. On the 17th President Hayes issued his proclamation admonishing all persons to abstain from domestic violence at Martinsburg and along the line of the Baltimore & Ohio Railroad, and to disperse to their homes. On the same day United States troops were started from Washington to Martinsburg. On the 18th, under guard of these troops, trains were moved out of Martinsburg. But immediately the strike spread to the entire Baltimore & Ohio system.

On the 19th the strike was inaugurated at Pittsburgh on the Pennsylvania Railroad and rapidly spread north and east. On the night of the 19th Sheriff Fife of Allegheny County telegraphed Governor Hartranft for troops. The next morning, the 20th, at six o'clock, the Pennsylvania troops were on duty in the Union Depot at Pittsburgh. Meanwhile the strike was spreading not only in Pittsburgh but west across the country to Toledo, Detroit, Chicago, St. Louis, and intermediate points. The strikers and their sympathizers at Pittsburgh far outnumbered the soldiers.

Saturday afternoon, the 21st, the *Telegraph* reported that there had been a riot in the outer yards at Pittsburgh in which one soldier and a number of strikers and onlookers were killed; that more troops had been sent to the scene of the conflict; that in the city of Pittsburgh at the 28th Street crossing there had been more rioting, more deaths; that Sheriff Fife had been shot dead and one company of the troops imprisoned in one of the railroad roundhouses. That night the strikers broke into the armories, supplied themselves with arms, captured the guns of the Hutchinson Battery, and announced their determination to massacre all the

Philadelphia troops in Pittsburgh and burn the Union Station of the Pennsylvania Company.

Meanwhile there were rumors that the strike would soon be inaugurated in Indianapolis, and as there were only thirteen men at the United States Arsenal it was feared that the strikers and their sympathizers would capture the arsenal, arm themselves, and repeat in Indianapolis the scenes of Pittsburgh. On Saturday afternoon and night there had been distributed throughout the city a notice in large type, as follows:

Attention, railroad men! Brace up and assert your manhood. There will be a meeting held in the State House Yard on Monday evening, July 23, 1877, at 8 o'clock sharp, for the purpose of sympathizing and taking action with our starving brothers in the East who are now being trampled under the feet of the railroad bondholders. Everybody invited that believes in equality and justice to all mankind. Let us all have a hand in breaking the backbone of this railroad monopoly.—By Order of the Committee.

One newspaper contained a well-written article signed "Freight Brakemen," which stated that the trouble was all due to the fact that many of the railroad officials who received large salaries were not stockholders of the railroads but were the owners of the fast freight lines, and in this way were absorbing much of the earnings that should go to the stockholders and the employees who operated the roads.

At this time my husband was holding court. As the strike spread he manifested much anxiety as to what might develop at Indianapolis and at other points in Indiana on roads operated by the Federal receivers. These receivers had been appointed for the most part by Judge Thomas Drummond, the United States Circuit Judge for the Seventh Circuit, but he almost invariably asked my husband his views respecting the fitness of the men to be appointed.

These receivers were not in arrears to the "Tin Bucket Brigade," neither were they proposing reductions.

There were demands by the men on the railroad managers at Indianapolis on Saturday, the 21st, and on Sunday, the 22d. There were conferences. The men were meeting separately, and the managers were doing likewise.

Telegrams and bulletins were coming all day long to the effect that the mob was in undisputed possession of Pittsburgh and were putting their threats of the evening before into execution. They were pillaging and then burning freight depots and cars. That afternoon the mob destroyed thousands of cars and one hundred and twenty-five locomotives in Pittsburgh. Then the bulletin came that the Pennsylvania Railroad Company depot in Pittsburgh had been set on fire by running into it some of the burning cars. It cost Allegheny County $15,000,000 to pay for the property that was destroyed that day in Pittsburgh. General James H. Wilson, the receiver of the St. Louis & Southeastern at St. Louis, was telegraphing for assistance. From General Pease, the receiver of the Indiana, Bloomington & Western, it was learned that his men would not strike as there had been no reduction in pay on his line for over a year; that the men on the Indianapolis, Cincinnati & LaFayette, the other road passing through Indianapolis and operated by a Federal receiver, would not strike, as their pay had not been reduced; and that V. T. Malott, then a resident and citizen of Indianapolis and the general manager of the Indianapolis, Peru & Chicago Railroad Company, had satisfied the men of his company so that there would be no strike on that line but there would be a strike on the other lines.

The call for the meeting Monday night and the article on the railroad management was discussed by General Harrison, Colonel Hendricks, and my husband, and it was remarked that as there were men among the railroad employees who had been soldiers, they might not be lacking in leaders

in the event of violence. The strike was all around us but had not yet reached Indianapolis itself.

Captain Arnold, the commandant of the United States Arsenal at Indianapolis, said that Federal troops were so busily engaged in the North on strike duty or were so scattered through the South, it would probably be several days before any could be sent to Indianapolis. "But," said Judge Gresham, "we have plenty of material for volunteers, and Captain Arnold can supply us with arms, although he is short of ammunition. I have called on the President for troops, but have not yet heard from him."

The next morning the following telegram was received from the United States Attorney-General; and it will later appear what action Judge Gresham took:

WASHINGTON, D. C., July 24.

HON. W. Q. GRESHAM,
INDIANAPOLIS: —

Every effort will be made to sustain the marshal, but the troops at the disposal of the Secretary of War are very few indeed and I fear that it will not be in the power of the government to furnish them at once.

CHARLES DEVONS,
Attorney-General.

Meantime, Captain Arnold had been authorized by the War Department to use his own discretion in honoring the request of the United States Marshal at Indianapolis.

Many of the Southern newspapers rather sneered at a situation that demanded Federal troops in the Northern cities and States. They had no strikes in the South, they said.

Monday, July 23, at two o'clock, the firemen and brakemen of the Vandalia Line, failing to come to an adjustment with Superintendent Staples, quit work. They soon induced the firemen on the Indianapolis & St. Louis Line to join them. A committee appeared at the Union Depot and attempted to induce a fireman on the engine of a

passenger train just leaving for St. Louis to quit his engine, but failed. Warren N. Sayer, the grand secretary and treasurer of the Brotherhood of Locomotive Firemen, it was said headed this committee, but this Sayer denied when on trial later for contempt of court in interfering with the operation of the trains of the receivers.

That night, after my husband had adjourned court, he had a conference of lawyers, all of whom had seen service in the army, and the powers and duty of the Federal judge were very carefully canvassed in the premises. One of his expressions was, "I know what to do." In this conference were General Spooner, the United States Marshal, General Benjamin Harrison, ex-Governor Conrad Baker, and Colonel A. W. Hendricks, the last two being law partners of Thomas A. Hendricks. Governor Baker called that evening and was shown the following telegram from General J. H. Wilson, receiver of the St. Louis & Southeastern Railroad Company, the St. Louis, Evansville & Nashville Line:

The running of freight trains east of St. Louis interrupted by organized strikers from other roads. Our employees intimidated and constrained to cease work. Property as yet free from violence, but situation serious and may be followed by riotous outbreak at any moment by vicious element outside of strikers. Local authorities unable or unwilling to protect our men who have made no complaint and are willing to work if permitted. Monthly payments have been promptly made at rates above the average for work of like classes in other avocations; no reductions except as to engineers have been made since October last. I have not been asked to make concessions and am in the dark as to what is expected of me by the mob. Meanwhile, I have seen many of my men and advised them to go to their homes and remain there until the storm blows over. Have ordered all freight trains to turn back from Belleville, to sidetrack freight trains if strike spreads, and to suspend all operations until assured of adequate protection. Will do all in my power to keep peace and protect property in my hands, but the United States marshal with force

of Federal troops will be necessary to meet emergency. Your instructions will be observed, but I am unalterably opposed to any concession, direct or indirect, to organized violence. The other railroad managers here concur in this program; Major Wilson also.

Colonel Baker and my husband agreed it would not do to suspend operations; that if the receivers' employees would work, the movement of the trains should not be prevented by mobs, and General Wilson was so advised. It was agreed also that the next day the volunteer companies should be organized, as my husband said he had not heard from the President in response to his call for troops.

The Monday evening meeting in the State House yards was a violent one. When it broke up, the strikers and their sympathizers took possession of the Union Depot and made it their headquarters. Among trains that were to depart at 11 P. M. was an Indiana, Bloomington & Western train for Peoria, Illinois. The strikers said the engine and mail car might go but not the baggage, passenger, and sleeping cars. These they cut off, and then the receiver abandoned the train. The same course was pursued with reference to the Indianapolis, Cincinnati & LaFayette train, which reached Indianapolis from Cincinnati at midnight to go through to LaFayette. All other roads were likewise tied up. Many of the strikers were appointed special policemen by the mayor.

On the morning of the 24th, before opening court, there was a conference in chambers. Of this conference Charles W. Smith of the Indianapolis bar said, years afterwards:

> In the early part of the day — July 24, 1877 — a messenger from Judge Gresham's chambers came to my office and said that the judge desired a conference with several gentlemen at once, and requested me to attend if possible.
>
> The judge said to those present: 'The strike is assuming dangerous proportions; the Indianapolis, Bloomington & Western Railroad Company is in the hands of a receiver appointed by the

United States Circuit Court. All of you gentlemen have seen service in the Civil War. If you are willing to act, to take command of the force we can enroll, and support me, I can by reason of the power I have as a Federal judge appoint you special United States marshals and then move the Indianapolis, Bloomington & Western trains. This will break the strike and thus prevent bloodshed and destruction of property.' All present expressed their willingness to support the court.

The judge then said that it was time for court to convene, but that he was sending out calls to prominent citizens for a meeting in the courtroom immediately after the noon adjournment of court, and requested those present to attend that meeting.

Before going on the bench Judge Gresham sent the following telegram to Circuit Judge Thomas Drummond at Chicago:

Strikers are in possession of Union Depot and will not allow freight or passenger trains of the Indiana, Bloomington & Western and Indianapolis, Cincinnati & LaFayette, or any other roads to go out. Have I authority to order marshal to assist the receivers and for that purpose accept services of volunteer military companies? Am I limited simply to having marshal arrest parties named in writ? I feel like ordering the marshal to clear the tracks, and for that purpose accept proffered aid without issuing warrants. I understand that Governor Williams and Mayor Cavin have determined to do nothing to protect or defend the railroads.

At 10:30 came the answer:

JUDGE W. Q. GRESHAM:—

Have no doubt of your right to order marshal to protect all property in hands of our receivers, and have no doubt of marshal's right to call for necessary assistance. I gave orders to marshal of Southern District (Illinois) yesterday to have all men who interfere identified so far as possible for punishment hereafter.

THOMAS DRUMMOND.

On the adjournment of court at noon, pursuant to the oral notice, a mass meeting was held in the Federal court.

Captain Smith was there. Judge Gresham in calling the meeting to order said that the community was in possession of the mob; that the governor, the mayor and the sheriff, whose duty it was to act, were supine; life and property were in danger; that society was disintegrating, if it had not dissolved. The only method to pursue was to organize a Committee of Public Safety and take charge, and to enroll a sufficient force of volunteers to command the situation. They had plenty of officers, and many more who had served in the ranks would enlist. In a short space of time there would be all the troops necessary to control the situation, and that he was ready to sign his name as the first volunteer.

W. P. Fishback followed and spoke of having witnessed the riot in Chicago the day before and of the great relief it was when he saw two companies of regulars marching down the street. But Mr. Fishback was apprehensive that a force could not be organized quickly enough in Indianapolis to meet the situation.

General George H. Chapman, the receiver of the La-Fayette, Muncie & Bloomington Railroad Company, a member of the bar and the gallant commander of a cavalry brigade at Gettysburg, was for the use of force in meeting the situation. Said General Chapman: "The basis of all government is an implied agreement that the people shall pay taxes to perform governmental functions and render all personal allegiance and service necessary to that end. In consideration thereof, the State pledges itself to maintain peace and order and protect the citizens in their personal and property rights."

Then, Captain Smith says, "Judge Gresham called upon General Harrison as to his judgment. General Harrison was emphatic in the statement that order must be maintained, and all attempts at interference with the operation of the railroads in violation of law ought to be suppressed." But he further stated that he thought it ought to be borne in mind that there were two sides to the question; that

doubtless the railroad employees had just grievances, and that no hasty action should be taken.

William H. English and other large property holders were present at the meeting. Mr. English was the spokesman for this class. He had been that morning in conference with Mayor Cavin and Governor Williams; he deprecated the purpose to organize troops; he said that it would inflame the strikers, and that while there were many men present who had served as generals and colonels and majors and captains during the War of the Rebellion, there were not many who had served in the ranks; that they would not be able to get a full complement of men; that there might be much valuable property destroyed, and it would be better not to attempt to organize.

General Chapman at this point broke in with the question: "Mr. English, you are thinking of your property, are you?" To which Mr. English replied, "I am thinking about my own property. I am thinking about the property of other citizens of the city of Indianapolis, and I am also thinking of the possibility that many persons might be killed or hurt before order is restored." Again General Chapman broke in: "Mr. English, you are a coward!" Mr. English then concluded his speech, deprecating hasty action.

Colonel Ritter said: "I think the first thing to do is to organize in an effective way to protect the public from the mob. When we have done that, then we will be in shape to talk. Ten thousand men marching down the street with hands in empty pockets would accomplish nothing with an excited and violent mob. I move that we organize a military company, select officers, ask for arms and ammunition from the United States, and then try to persuade these wild men to disperse; if they refuse, and resort to destruction of property, our organization will be ready for such duty as may be necessary." Colonel Ritter, who was a Prohibitionist in politics, afterwards said, "You always knew

where Judge Gresham stood. I made my motion to end the debate."

On the adoption of Colonel Ritter's motion the meeting proceeded to effect a military organization. The enrollment of troops began, and in less than an hour after the adjournment of court (before 2 o'clock) the first company had two hundred members, two-thirds of whom had served during the War of the Rebellion. It was divided into two companies, General Harrison taking the command of one, with Colonel Ritter his first lieutenant; and General Chapman of the other, with Captain C. W. Smith his first lieutenant. General Chapman went on the Committee of Public Safety, and Captain Smith managed his company, as well as the enrollment and immediate organization of the two companies, right in the courtroom.

The Committee of Public Safety was composed of T. A. Morris, Benjamin Harrison, John Love, Joseph E. MacDonald, Conrad Baker, George H. Chapman, and A. W. Hendricks. Joseph E. MacDonald was the only member of the committee who was without practical experience in military affairs. My husband agreed that he would take no action as a Federal judge in an administrative capacity that did not first have the approval of this committee.

By the time the meeting adjourned, Captain Arnold was at the rear of the post-office building, with wagons loaded with muskets and enough ammunition to arm the companies of Generals Harrison and Chapman. Captain Arnold was in one of his old faded citizen's suits of clothes, and his wagons were covered with tarpaulins, so that there was nothing to disclose what he was conveying from the Arsenal to the Federal buildings, but it was remarked that he could not conceal his decided military bearing.

In all, nine companies were ultimately organized, commanded by men who had seen service during the War of the Rebellion. These, supplemented by the Indianapolis Light Infantry and the Montgomery Guards of Crawfords-

ville, commanded by General Lew Wallace, made ample force. General Daniel Macauley was placed in command of all, with headquarters in the Federal building, which was also the headquarters of the Committee of Public Safety.

After the meeting at the Federal courtroom adjourned, there was a meeting at the office of the Governor of Indiana, which was attended by Governor Williams, Mayor Cavin, Judge Gresham, Senator MacDonald, General John Love, Colonel B. C. Shaw, ex-Governor Conrad Baker, Captain D. W. Wiles, Adjutant-General Russ, and others. Meanwhile the soldier element among the railroad men had been quietly advised of the companies that had been organized. Considerate then as always of State and local authorities, Judge Gresham insisted before action was taken that the situation be put up to Governor Williams and Mayor Cavin. Though all agreed there was danger of the destruction of property, neither the Governor nor the Mayor could be induced to take any action. The Mayor claimed the striking railroad men would not resort to violence; that he had appointed many of them special policemen, and that they could and would suppress the vicious element which might appear. The Governor claimed he could not call out any State troops unless a request for them was made by the Mayor, while the adjutant-general said there were not enough State troops to command the situation if called out. Thereupon the Governor and the Mayor were informed that the Committee of Public Safety had organized two companies of veterans who would support the United States marshal in moving the trains operated by the receivers and clear all the tracks if desired. Both the Governor and the Mayor deprecated such action, as sure to lead to violence. Both, especially Mayor Cavin, deprecated sending General Spooner alone, in his official capacity, to the strikers' headquarters at the Union Depot to notify them that they were in contempt of court, that he had come to move the receivers' trains, and to do so would use all the force necessary. The

reason Mayor Cavin gave was that such action would most likely result in bodily harm to General Spooner. In this state of affairs the meeting adjourned. The Mayor then issued a call for a public meeting to be held that evening at 8 o'clock at the front of the courthouse, on Washington Street. There was a large gathering, at which it was decided there should be organized a committee of mediation, to endeavor to bring about a settlement between the employees and the railroads. Mayor Cavin, Senator MacDonald, ex-Governor Baker, General Benjamin Harrison, Albert G. Porter, and others were on this committee. It had a number of conferences with the committee representing the strikers, and it was this committee that subsequently took the testimony as to wages that I have heretofore quoted.

Upon the adjournment of the meeting in the Governor's office, it was still early in the afternoon. There was a meeting of the Committee of Public Safety in the chambers of the District Judge in the post-office building. The question of the power of the Federal courts was very carefully considered, as was the attitude of the Governor, and of the Mayor. The following telegram from C. M. Osborne, an eminent attorney of Rock Island, received attention:

> I learn that strikers on other roads at Terre Haute refuse to let trains run on Logansport, Crawfordsville & Southwestern Railway. I have advised the receiver, subject to your approval, to discharge all men not necessary to take charge of property, and explain to them that he would have no money to pay them if he keeps them, and will re-employ when he can make earnings. Please advise him direct and protect the property.

My husband told the committee he would order Claybrook, the receiver of Mr. Osborne's road at Terre Haute, to discharge no men, but on the contrary to hold his trains in readiness to move when he received the necessary assistance; and advise the strike leaders they were in contempt

of the Federal courts and would be punished if they continued to interfere. The Committee of Public Safety said it would aid the marshal in the enforcement of any order he might receive. Immediately General Spooner was ordered to go alone to the depot and notify the strikers who he was, that they were in contempt of court, and that he had come to move the trains of the receivers, using all necessary force. Although Mayor Cavin came to my husband and urged him not to send the marshal to the depot to move the trains of the receivers, as it would lead to violence, General Spooner went alone. Upon making known his position and instructions, the strike leaders promptly said they would no longer interfere with the roads operated by the receivers, and in thirty minutes one of the trains, that had been held for fifteen hours, was on its way to Lafayette.

But the embargo was kept up on the other roads; and as there was practically no ammunition at the Arsenal, the Committee of Public Safety was cautious about attempting to move until ammunition was received from Chicago. In the evening, after consulting with Captain Arnold, General Harrison's company was moved to the Arsenal to protect it, and as a suitable place from which to operate in case of emergency; while General Chapman's company remained at the post-office building, camping in the courtroom and the various offices.

On the 25th the Committee of Public Safety was awaiting the arrival of ammunition from Chicago, and my husband was awaiting the coming of the Federal troops that had been promised. Meanwhile different methods of procedure were canvassed. The Governor and the Mayor were still holding off, while Senator MacDonald was importuning the Governor to act. It was a situation to be dealt with by the executive arm of the government, which could act, as those men thought, only through the army and the police. Writs of assistance and the jurisdiction of the Federal courts were canvassed, but the thought of a bill in equity of the

United States government against the strikers was not considered the way to meet the situation.

On July 26, Judge Gresham received telegrams and letters, which, with his answers, follow:

A mob last night at Evansville tried to prevent the orderly departure of my trains. No railroad employees took part. I shall prepare affidavits. Meanwhile can't you do as much for me as you have done for the I. B. W?

J. H. Wilson, *Receiver.*

General J. H. Wilson, Receiver, July 26, 1877.
St. Louis:—

Ask the mayor of Evansville for all necessary protection.

W. Q. Gresham.

St. Louis, Mo., July 26.

To W. Q. Gresham:

Evansville authorities have already been called upon to arrest lawless persons, but decline for fear of adding to the excitement. If there is a man of courage there, have him appointed special deputy marshal. I suggest Denby. How are you making it at Indianapolis?

J. H. Wilson.

Indianapolis, July 26, 1877.

To the Mayor of the City of Evansville:

General J. H. Wilson, receiver of the St. Louis & Southeastern Railroad, telegraphs that he is obstructed at Evansville in the operation of his road. Will you aid and protect him as receiver in the management of the road, and save me the necessity of sending the marshal with a posse for that purpose?

W. Q. Gresham, *Judge, United States Court.*

Evansville, July 27, 1877.

To Hon. W. Q. Gresham,
United States Judge,
Indianapolis:—

While you are asking the people of Evansville to protect the St. Louis & Southeastern Road, General Wilson, the receiver,

has suppressed our papers by stopping their sale on his trains. It is not surprising that strikes occur on roads so managed.

F. M. Thayer, *Editor "Journal."*

Indianapolis, July 27, 1877.

To F. M. Thayer

Evansville:—

You will learn very soon that there is power enough in this government to run that road whether Evansville supports General Wilson or not. It would have been more respectful in your mayor to have answered my dispatch than to inspire the sending of such a telegram as yours. Under the circumstances, General Wilson may properly exercise his discretion in excluding from his trains such papers as he may think tend to ferment the present disturbance. So far as it is known to the court, General Wilson's conduct is approved.

W. Q. Gresham.

Evansville, July 27.

Hon. W. Q. Gresham,

Indianapolis:—

Will reply to your telegram by letter. Am not responsible for the mayor, and have had no communication with him.

F. M. Thayer.

Evansville, July 27, 1877.

Hon. W. Q. Gresham,

Indianapolis, Ind.

Sir:—If the wording of my dispatch this morning gave offense I ask pardon, for I had no intention of the kind. In intimating, however, that Mayor Kleiner inspired the dispatch, I am sure you administered punishment disproportionate to the offense. To my mind it is a clear case wherein you failed to temper justice with mercy. I have nothing whatever to do with Mayor Kleiner. Have not spoken to him for weeks.

But to the other point: This morning, after all our orders for papers on the Southeastern road had been filled, and without warning or provocation so far as I can learn, General Wilson forbade their coming on the train. We are still without explanation

for this strange conduct. Evansville, I am sure, is not popular with General Wilson, but I cannot imagine what the *Journal* has done to excite his ire. If it has been decided to stop the sale of newspapers on all roads run by government receivers we will submit without complaint. If our paper has done anything to excite the mob against the Southeastern or any other road, I am not aware of it. So far from this, we never have taken sides against the road in any of its controversies or litigation with our people. I only ask to have our paper treated precisely as government receivers are treating other papers throughout the country, unless it can be shown we are, exceptionally, trying to inflame the mob spirit. I am sure on reflection that you will concede this is not asking too much. Railroad employees have acted badly in various parts of the country, but is n't it possible that railroad managers now and then commit a mistake? We well understand that General Wilson has the power to exclude our paper from his trains except as it goes through the mail, and we will have to submit, but I am sure such petty tyranny will not insure the advantage of the road in the long run.

Respectfully,

F. M. Thayer.

Evansville, Ind., July 27.

To Judge W. Q. Gresham:

On receipt of your request, Mayor Kleiner sent detail of police here yesterday and dispersed the few men who claim to be strikers. Work has been done since with no interference and I think the men have left town. Everything tranquil as could be desired.

O. M. Shepard, *Supt. S. E. Ry.*

Indianapolis, July 28, 1877.

F. M. Thayer, Esq.,
Evansville, Ind.

Dear Sir:—

Your note of the 27th is just received. I regret the unpleasant complication. The dispatch I sent Mayor Kleiner was cautiously expressed and was due to him as an official. I think he owed me an answer, and, having waited twenty-four hours,

all I heard was by means of your dispatch. I will ask you if from the tenor of this dispatch I had not the right to assume that the mayor had advised you of its contents? And was it not, to say the least, considering the embarrassment of the occasion, somewhat unreasonable that you should use language so very like a sneer at the exercise of the authority of the courts?

Now I wish to express freely my conviction that the mayor of Evansville has done his duty, and my belief that the citizens of Evansville sustained him in this performance. I am sorry that any unfriendly expression toward the mayor or you were employed in my dispatch.

As to the papers, of course General Wilson, unless there were urgent reasons, ought not to reject your papers or any other newspapers from his trains. I have been in communication with him and he telegraphs me that he had instructed the superintendent to exclude newsboys and newspapers from the trains as circulating intelligence that would tend to spread the strike. The order was not directed at your paper more than at any other, and therefore conveys no imputation on the *Journal*. As none was deserved I am glad none was made. I must also say that General Wilson is incapable of any unfriendly feeling toward the city of Evansville or of any act of injustice toward you, and that he had no thought or desire but to operate his road for the public benefit. I think you will find no further hindrance in your business on this account.

As an act of justice to Mayor Kleiner and your paper you may feel free to publish this letter if you think best.

Very respectfully,

W. Q. Gresham.

Mr. Thayer subsequently published the entire correspondence.

On the afternoon of the 27th the Federal troops, with General Morrow in command, arrived from the South. There were several hundred of them. Contemporaneously with their arrival came the following telegram from Attorney-General Devons:

WASHINGTON, D. C., July 27.

TO JUDGE GRESHAM, U. S. JUDGE:

My object was to have the writ of assistance executed first. If you think the time has arrived for the arrest of those who have interfered to prevent the execution, let the marshal act at once. There are no other strikers, I suppose, subject to United States process.

CHAS. DEVONS, *Attorney-General.*

That afternoon Warren N. Sayer, and others who had interfered with the receivers' trains, were arrested by United States marshals, although the Mayor protested against the act. Governor Williams was finally prevailed on to telegraph the President for Federal troops, but it was given out at the White House that his request was so worded that it could not be recognized. Still later in the day the Governor received the troops of the Committee of Public Safety into the service of the State, with General Daniel Macauley, their commander, as a brigadier-general. After the trouble was all over, the city council of Indianapolis made an appropriation and reimbursed the State for the pay of these troops.

The arrival of the Federal troops, the arrest of Sayer and of his associates, and the Governor's action in taking the volunteer companies into the service of the State, ended the blockade at Indianapolis, but the strikers continued in possession of Terre Haute and Vincennes, and refused to allow the operation of the roads of the receivers at these points. Vincennes was a central point between St. Louis and Cincinnati on the Ohio & Mississippi Road.

On Saturday, July 28, General Spooner was sent with fifty men of the Third United States Infantry and four officers to open the Logansport, Crawfordsville & Southwestern Road at Terre Haute and the Ohio & Mississippi Road at Vincennes, and to arrest those at Vincennes and Terre Haute who had obstructed the roads. The trains of the Logansport, Crawfordsville & Southwestern were

released by the strikers at the Union Depot at Terre Haute when they got word that General Spooner and the troops would soon arrive at Terre Haute.

On the morning of the 29th General Spooner reported that the strikers fled as he approached Vincennes, and that he had declined to remain at Terre Haute longer than two hours although the citizens there apprehended serious trouble. At the same time there came the following telegram from W. R. McKeen, president of the Vandalia Line:

Engineers refuse to run our trains. Strikers are turbulent and men who desire to work intimidated. I trust you will let the United States soldiers remain here a few days. Please answer.

General Ben. Spooner,
U. S. Marshal, Vincennes, Ind.

You can appoint a deputy at Terre Haute to take charge of your posse. The posse will remain at Terre Haute and aid Claybrook if necessary. The presence of the troops at Terre Haute will have a good moral effect and they will be convenient for use at Vincennes or Evansville. If the Vandalia strikers think the troops are to operate against them you will not be responsible for their mistake. Appoint as few deputies at Vincennes as possible.

Make provision for the troops before you leave them.

W. Q. Gresham.

Dear General:[1]

Please copy this and get it off quick.

W. Q. G.

Upon receipt of this telegram General Spooner returned to Terre Haute. By the time he and the fifty Federal soldiers reached Terre Haute the depot was in the possession of four thousand men. There stood the United States mail

[1] General Daniel Macauley, then in the service of the State. His headquarters continued in the Federal building.

trains from St. Louis to New York "coupled up" to Vandalia engines manned by master mechanics in the place of engineers. General Spooner escorted the first of these mail trains, No. 20, out of the Terre Haute depot and out of town, under orders to shoot the first man who attempted to interfere. Then the engineers and Mr. McKeen, the president of the Vandalia Company, promptly adjusted their differences and the strike was ended at Terre Haute, so far as the Federal courts were concerned. That night General Spooner and the troops returned to Indianapolis. He reported that there were cars in No. 20 with the words "Fast United States Mail" printed on the sides and sacks of mail inside. He considered it his duty, in view of President Hayes' proclamation, the Judge's telegrams, his authority as United States Marshal, and his practical experience as a man, to move that mail train and report results. The legal lights at Indianapolis, including the Judge, said he did right. In legal ability Benjamin Spooner was not inferior to his brother Philip, who ranked as one of the best legal minds the Wisconsin bar produced; nor to his nephew, John C. Spooner, afterwards United States Senator from that State, and one of the leading lawyers of the nation. Finally, at Governor Williams's instance, Federal troops were sent to Fort Wayne.

On the 29th Judge Gresham telegraphed the attorney-general and Judge Drummond that the roads in Indiana were all open, and that the authorities had arrested some of the strikers and were after a few more. The attorney-general was asked by telegraph how he thought the prisoners were to be treated, and Judge Drummond as to whether or not they were to be admitted to bail; if so, in what amount. "If the evidence sustained the charge of contempt, can you give some general idea as to what would be adequate punishment?"

That night the following telegram was received from the attorney-general:

The prisoners in question are prisoners of civil authority and the expense of keeping them a proper charge on the judiciary fund. The marshal must take care of and feed them until their cases can be disposed of, which I suppose will be promptly. If any danger of rescue, military will aid him if necessary.

The next morning Judge Drummond answered:

They are to be treated just as others guilty of contempt of court; they have a right to purge the contempt, and if time is given them for hearing they must give ample bail to render their appearance certain. I have eight here this morning, arrested in Peoria. If guilty, I intend to punish them by imprisonment, so that there will not be likely to be any interference soon again. Bail ought to be from $1,500 to $2,500 and first class. My notion is about $2,000.

The men then in jail were promptly admitted to bail. Having taken part as a member of the Committee of Public Safety in organizing the volunteer troops, Judge Gresham said he should not sit as a judge in the contempt proceedings.

CHAPTER XXIV

TRIALS FOR CONTEMPT OF COURT

JUDGE DRUMMOND TAKES UP OHIO & MISSISSIPPI LINE CASES FIRST — THE TERRE HAUTE CASES — CONTROVERSY OVER WARREN N. SAYER — PUNISHMENT OF THE STRIKERS.

AUGUST, 2, 1877, Judge Drummond began the hearings in Indianapolis of the cases of the men charged with contempt. Before proceeding he said:

It is proper for the court, inasmuch as I came from Chicago last night after having had an examination of some of the rioters in Illinois, for the purpose of being present at the examination of persons who are charged with like wrongful acts here, to explain why I have come; otherwise I probably should not have come at this time. I understand that my brother judge has, during the course of the excitement that has occurred here, taken a rather active part as a citizen, and as a good citizen, I believe, in aiding to put a stop to the contemplated or actual riots that were existing. Under these circumstances he has felt a desire that I should be present and that I should take the responsibility in the examination of the parties who are brought before the court. I, of course, am perfectly willing to do so, although I think it nothing more than fair to state that I also, as circuit judge of this circuit, have taken a very active part in doing what I could in my official capacity to put down this mob. I have simply done it as a part of my official duty as judge of the United States Court. I have taken no active part individually in any of the meetings that have occurred throughout the community, but I have taken a very active part, I believe, as a judge in doing all that was in my power officially to put an end to the state of affairs that existed throughout the country, and I shall always feel it my duty to do so whenever a similar state of affairs exist. I am now ready to proceed.

The cases against the Ohio & Mississippi strikers were taken up first. General Harrison and C. K. Beecher appeared against them. After the affidavits had been read, showing how the accused had interfered with the movement of trains at Vincennes, they announced they were without counsel. Judge Drummond then adjourned the hearing and appointed W. W. Herod and Ferdinand Winter as their counsel. At a subsequent hearing, under the advice of counsel, Wentworth, Lovejoy, and Bainsy came into court and plead guilty, but asked for clemency as they claimed they did not know the Ohio & Mississippi Railroad was operated by a receiver. Reeves, the other Ohio & Mississippi striker, went to trial, and when he became a witness in his behalf, although vigorously prosecuted and cross-examined by General Harrison in an endeavor to show that he had said if there was any fighting to be done he would aid the strikers, Judge Drummond decided there was not enough evidence to hold him for contempt, but he said he would excuse him when he could give security for his good behavior in the future.

The hearing of those who interfered with the Indiana, Bloomington & Western, the Indianapolis, Cincinnati & Lafayette and the Logansport, Crawfordsville & Southwestern consumed the second and third days. Albert G. Porter of the Indianapolis bar, and Judge Carlton and General Charles Cruft, of the Terre Haute bar, appeared for the strikers, while Charles W. Fairbanks, Major Jonathan W. Gordon, and Charles Osborne prosecuted on behalf of the receivers. The receivers, their superintendent, and many of their employees were witnesses to establish the interference with the movement of the trains. W. R. McKeen, president of the Vandalia Company, told how the union depot at Terre Haute, which his company owned and from which the trains of the receivers of the road to Logansport were operated, was in the possession of the strikers from Tuesday until Saturday; that no trains were

allowed during that period to arrive or depart from the depot; that the strikers' committee, Mark Miller, Charles Watson, E. R. Nesbit, Daniel Murphy, and Henry McIntire, were in charge of the mob. Mr. McKeen produced the following note that he had received from this committee:

> Let engine and baggage car go, provided they take no passengers. COMMITTEE.

Judge Drummond interrupted an explanation of the counsel that the defendants meant no violence:

> Oh, we understand that this mob did n't want anybody to break the law except themselves.

To meet the claims of the defendants that they did not know the road was operated by a receiver, Receiver Claybrook testified he met the committee on Wednesday, the 25th day of July, and showed all its members telegrams from Judge Gresham that the road was operated by him, Claybrook, as a receiver appointed by the United States courts; that they were in contempt of court and would be punished if they longer continued to prevent the court from operating its trains, and that a mail train consisted of baggage, express, and passenger cars as well as mail cars.

But the greatest controversy was in the case of Warren N. Sayer, secretary of the Firemen's Brotherhood. It developed, according to some of the witnesses who testified for the receivers, that Sayer was at the Union Depot in Indianapolis on Monday the 23d at 2 P. M., before the strike began, talking to men there on the train, that he told a police officer, "It is our business to get the trainmen to leave if we can." Charles Manning, the marshal at the Union Depot, said Sayer was there all the week. "I sent to Sayer, Thursday, a passenger who wanted to be allowed to go home. He came back swearing that the men (the crowd in which Sayer was) wouldn't let him go home."

Many other witnesses testified that Sayer was constantly about the Union Depot with the committee that was in charge. The members of the committee were identified by the white ribbons they wore. William Young, a "hostler" of the Indiana, Bloomington & Western, a receivers' train, testified that on Tuesday morning at 6 o'clock, when backing a train into the depot, he was ordered by one of the committee into a siding. There was a big crowd of railroad men and others present. "Sayer came up on the cab of my engine and told me to pull in on the sidetrack or I would get into trouble. I did so. I went into the switch on Sayer's order."

Captain W. D. Miles, chairman of the police board, testified that he saw Sayer Wednesday afternoon as he was going to a meeting of the Citizens' Committee; that Sayer was at the head of a body of 150 strikers; that he told Sayer that they were going too far and must be stopped. He asked in what way. "I told him he was breaking the law, and the authorities had put up with it as long as they could. He said: 'We are acting under the instructions of your governor and mayor.' I told him he must be mistaken; that they never gave him permission to use private property, cut trains, etc. He made no answer. Thursday, at the Citizens' meeting in the Council Chamber, I introduced Mr. Evans, agent of Cole's Circus, to Sayer, he having been sent to Sayer by Mr. Malott, manager of the Peru Railroad. Mr. Sayer asked me why I sent that man to him; that he had nothing to do with the matter. I told him if he had nothing to do with it, I did not know who did."

Sayer, who was secretary and treasurer of the Brotherhood of Locomotive Firemen, which as an organization was not involved in the strike, denied he was at the Union Depot at 2 o'clock on Monday the 23d and at 6 A. M. on Tuesday when Young, the Indiana, Bloomington & Western "hostler," said Sayer ordered him into the siding with the

Indiana, Bloomington & Western train. And in support of an alibi as against Young's statement, Sayer produced witnesses who testified that he was at 6 A. M. Tuesday morning at home in bed. He testified further that he had counseled peaceable measures and remained about the depot at the request of Mayor Cavin. He was at the Spencer House on Tuesday when General Spooner instructed the railroad men in regard to the roads under the United States courts. Senator MacDonald, of the Citizens' Committee, testified that Sayer had been an advocate of peace in all his intercourse with him. Mayor Cavin as a witness was a partisan of Sayer. He testified he had seen Sayer the Friday the strike began, with a view to learning what he could of the probable action of the man, as he then considered a strike inevitable. Sayer, he said, assured him there would be no violence and the men would only use lawful means. "From that time on I was in almost daily consultation with him, and at all times and to all persons in my presence, and elsewhere as I have learned, he counseled peace and observance of the law."

Judge Gresham was a spectator in court and took a hand in cross-examining the Mayor. In response to Judge Gresham's questions the Mayor said:

> Sayer at all times was opposed to the stoppage of trains and did what he could to secure their passage, and did succeed. I never told Governor Williams and others that if General Spooner was sent down to the depot to arrest the men, he would be torn to pieces quicker than you [Judge Gresham] could draw your breath. I did say that all it would be necessary to do would be to send General Spooner with an order over there and the trains would be moved. I do not think that Sayer claimed to represent anybody in the conversation I had with him. He was talking for himself. The trouble we talked about was the burning and destruction of property, not the interference with trains. At the time the railroad men were sworn in as policemen, Tuesday, four days after Sayer had told me the strike would be here, no other extra policemen had been sworn in.

To Judge Drummond Judge Gresham said: "Mayor Cavin is not candid in his testimony as to what he said to Governor Williams and myself about sending General Spooner to the depot." That Judge Gresham thought Sayer was guilty under the evidence, he did not conceal. He felt free to express his personal views as a partisan, as he was not the judge. He never wanted power for the mere gratification of exercising it, and never would exercise it nor any judicial function where his feelings might be a factor in influencing his decision. During most of the days of the hearings, as was usually the case when Judge Drummond came to Indianapolis, he was a guest at our house, but during this time my husband avoided mentioning the Sayer or the other cases to Judge Drummond until they were disposed of.

"I hardly think the testimony in the case of Warren N. Sayer is sufficient to warrant the court punishing him for contempt," said Judge Drummond in disposing of the case. Then he proceeded:

"Sitting as a court without a jury, with no appeal, the court is loath to punish for contempt except in a case of the clearest evidence. Whether or not the court would be justified in punishing Sayer for contempt in interfering with the operations of a road intrusted to the custody of the court, by endeavoring to persuade employees who were satisfied to leave the service of the receiver and thus interfere with the functions of the court, is not a charge here made, and I will express no opinion upon that question. And while the evidence is not clear enough to justify the court in punishing Sayer, I think his conduct is such as to require him to enter into a recognizance with the court for his good behavior for a year."

The other strikers were punished by being sentenced to imprisonment in jail for a period of from thirty days to six months, with the understanding that application might be made by them to the district judge for their release. The

evidence was clear that they had participated in actual violence. Before the period of their imprisonments expired they asked for clemency and were released.

In a letter written on the 6th of August to his former law partner, my husband said, "I wish Grant had been President; yet I think President Hayes has done his duty in this emergency." The strike of 1877 brought my husband, as it did many others, back to General Grant as a desirable man for the Presidency. Thomas A. Hendricks was silent as he always was about such matters, but later gave his assent to what was done, while Senator MacDonald said that many of his ideas as to the functions of the State and National government had been practically changed by what he had witnessed.

In the next chapter, though out of the chronological order, I will tell of two other strikes, as they will illustrate Walter Q. Gresham's views as a judge and as an executive.

CHAPTER XXV

BURLINGTON STRIKE AND DEBS'S REBELLION

STRIKE VOTED ON THE BURLINGTON ROAD — OTHER ROADS REFUSE BURLINGTON'S FREIGHT — RECEIVER OF WABASH COMPANY INVOLVED — INTERPRETATION OF INTERSTATE COMMERCE ACT — GENERAL STRIKE AVOIDED — AMENDMENT OF INTERSTATE COMMERCE ACT — PULLMAN STRIKE, OR "DEBS'S REBELLION" — INTERFERENCE WITH MAIL TRAINS — CLEVELAND'S PROCLAMATION AND MILES'S PROMPT ACTION SUPPRESS DISORDER.

ON the 14th of February, 1888, a committee of engineers and firemen on the Chicago, Burlington & Quincy Railroad called on the general managers of that road and asked for an adjustment of the wage scale. What they particularly desired was that the engineers and firemen be paid a uniform wage on a mileage basis. The claim was partly based on the fact that other roads — 90 per cent of the railroads of the country, the men claimed — had adopted that system.

At this time the Wabash Railroad east of the Mississippi River was operated by a receiver appointed by Circuit Judge Gresham. General John McNulta was that receiver. A committee of engineers had waited on him with demands, the greater part of which he was able to satisfy them he could not meet in view of the repairs and rehabilitation work that it was absolutely necessary to have done out of earnings, the only source available for the purpose. They were not heard of again until the strike began on the "Q."

The Burlington management claimed that the old and experienced engineer should be paid more than the man who had just been promoted from the position of fireman; that

an engineer of an engine hauling a train of twenty or thirty cars should be paid more than an engineer of an engine hauling but two or three cars; that the management should be the judge as to which engineer should be paid the most, and that on the branch lines men should receive less than on the main line. The men and the general manager of the company could not agree.

P. M. Arthur, the chief of the engineers, and F. P. Sargeant, the chief of the firemen, were called to Chicago to adjust the trouble. They failed, and gave their consent to the men quitting if they so decided.

The men voted to strike. Again the matter was brought to the managers of the Burlington system, and again no agreement was reached.

Thereupon, on the 23d day of February, Messrs. Arthur and Sargeant joined in a telegram to C. E. Perkins, the president of the Burlington system at Boston, that they had been unable to adjust the grievances of the engineers and firemen with General Manager Stone, that the men were determined to strike, that they wanted to prevent it and would accept terms made with the Alton and the Santa Fe, namely, three and one-half cents per mile for passenger engineers, four cents for freight engineers, and sixty per cent of this for the firemen.

On the 24th, Mr. Perkins replied to this telegram, as follows:

At this distance and without knowing more than I do about the merits of the grievances complained of, it is impossible for me to have definite opinions or to give definite orders. The whole question has necessarily been left, therefore, in the hands of Mr. Stone, to whom I wrote you would show your telegram and this reply. The Chicago, Burlington & Quincy Railroad is ready and expects to pay at least as good wages as are paid by its neighbors, but the railroad situation is not such as to justify any general increase at present, and I fear an attempt to force it would only aggravate the situation. I have felt and still feel confident that a way can be found for satisfactorily adjusting any real grievances

which may have grown up since matters were settled two years ago, and I hope for all concerned that nothing will be done hastily. I hope to be in Chicago next week.

The following day, Sunday, at 11 o'clock, Hodge and Murphy of the Engineer's Grievance Committee called on Mr. Stone in his office, presented the telegram of Mr. Perkins, and asked a conference, stating if it or the terms previously asked were not granted, the strike would be inaugurated at 4 A. M. the next morning.

Mr. Stone and his associates, among whom was Paul Morton, afterwards Secretary of the Navy under President Roosevelt, promptly and with scant courtesy, as it was said at the time, informed Messrs. Hodge and Murphy that they had previously received their answer and there would be no conference. At 4 A. M. the next day, the 27th, the strike began. That both sides were hasty is apparent. That both desired the contest was well understood at the time. The men felt they were strong in that they could force the connecting lines and roads operating in the same territory as the Burlington to refuse to interchange traffic with the Burlington; while the Burlington management had assurances that the Knights of Labor would furnish all the engineers necessary to man the Burlington engines in the event of the strike. A short time before the engineers of the latter order had inaugurated a strike on the Reading Railroad and their places had been taken by engineers who were members of the Brotherhood of Engineers, the order to which the Burlington engineers belonged.

President Perkins of the Burlington road arrived in Chicago three hours after the strike began. He stopped at the Grand Pacific Hotel where Messrs. Arthur and Sargeant maintained the strike headquarters. He not unjustly complained that in view of his telegram the strikers had acted hastily. They answered that as he stated his coming was indefinite and had referred them to General Manager Stone, Mr. Stone's answer was an ultimatum.

At first, before the Knights of Labor engineers got to work, traffic was completely suspended on the Burlington. The managements of most of the railroads running west from Chicago —competitors of the Burlington —promptly announced they would adopt a policy of neutrality between the Burlington and its striking employees. The Chicago & Alton, the Rock Island, and the Santa Fé Lines went further; they said they would not honor tickets good for passage over their lines and sold by the Burlington since the beginning of the strike. Up to that time the Burlington was the most popular line between Chicago and Omaha and Denver.

The refusal of the roads to receive freight from the Burlington was based on the clause of the Interstate Commerce Act which required all common carriers to afford facilities for the exchange of traffic according to their prospective powers. As the Rock Island management put it:

> It will not suspend the operation of its entire line and inflict irreparable injury upon the communities dependent upon it for transportation because circumstances render it impossible for it to exchange traffic with another railroad company.

They also set forth that the Interstate Commerce Act only imposed a penalty "when the corporation wilfully do so or cause to be done or shall wilfully suffer or permit the acts complained of to be done," therefore, they said, they were not acting wilfully when they were refusing all interchanging traffic with the Burlington under threats of their own employees to strike.

Other railroad men took the position that if Receiver McNulta of the Wabash, an officer of the United States Court and a lawyer, could afford to ignore Sections Three and Seven of the Interstate Act, they ran no risk in taking the same position. General McNulta stated that he intended to render strict obedience to the law, but that in order to preserve the property intrusted to his care, he did not propose to leave anything undone that could be done,

or that his competitors were doing, to save the owners from serious loss, that he intended to sail as close to the wind as the managers of other corporations similarly situated. Before General McNulta made this statement it had been announced in the press that the engineers on the Wabash would leave their positions if the Wabash receiver attempted to handle traffic coming to the Wabash from the Burlington.

In this state of affairs, the Burlington Company on the afternoon of the 8th of March filed its petition in the Wabash receivership, in which an order was asked on General McNulta as receiver to interchange traffic with the Burlington, and for an order restraining the Brotherhood of Locomotive Engineers and P. M. Arthur, its chief executive officer, from in any way giving orders to the engineers in the employ of the receiver to refuse to haul loaded cars coming to or going from the railroad in charge of McNulta as receiver of the Wabash Railroad, in the usual course of business with the Burlington, and for a rule on Arthur to show cause why he should not be punished for contempt in interfering with the receiver in the operation of the Wabash Railroad.

At the hearing on the 20th it developed that there had been no instructions by P. M. Arthur to any of the receiver's employees, and that on the 19th, Receiver McNulta, on his own volition, as he claimed, had resumed relations with the Burlington. Alexander Sullivan, Mr. Arthur's attorney, was then in the enjoyment of a large law practice and was the "uncrowned king" of the Irish organization known as the Clan-na-Gael. Wirt Dexter and Henry Crawford, counsel for the Burlington, pressed the contempt proceeding. Robert T. Lincoln, General George W. Smith, and William G. Beal, counsel for General McNulta, said, as the order of Receiver McNulta to his subordinates to refuse to interchange traffic with the Burlington had been rescinded and the receiver had no complaint to make against Arthur and Sargeant, the petition of the Burlington Company should be

dismissed. But at the request of the Burlington attorneys, Judge Gresham agreed to look into the papers, and the second day thereafter delivered an opinion, in which he said:

Although the property of the Wabash Company is in the custody of the court, it is operated by the receiver as a common carrier. His rights and duties are those of a carrier. He is bound to afford all railroad companies whose lines connect with his, equal facilities for the exchange of traffic. It is his duty to receive from and deliver to other connecting roads both loaded and empty cars. He cannot discriminate against one road by maintaining a policy of non-intercourse with it. More need not be said on this question, as the receiver has wisely rescinded the instructions which discriminated against the petitioner, and declares he has no purpose or desire to deny to the petitioner any of its legal rights. Although the petition has accomplished its chief purpose in invoking the aid of the court, it is urged by its counsel that persons belonging to the Brotherhood of Locomotive Engineers, and especially P. M. Arthur, who is the chief officer of that organization, have interfered with the receiver and his subordinates in the management of the Wabash property, and that they should be punished for their illegal and contumacious conduct. The receiver and his counsel make no such complaint. On the contrary, the receiver declares there has been no such interference with him. While the affidavits submitted in support of the petition show that Mr. Arthur sent a telegraphic message to the engineers of the Union Pacific Railroad Company at Omaha, directing them to haul no cars of the petitioner, it does not fairly appear from the evidence that the engineers in the service of the receiver received such orders by telegraph or otherwise. For the present it is sufficient to say that the court will protect the property of the Wabash Company in its custody.

The employees of the receiver cannot be obliged to remain in his service against their will, but neither they nor others will be permitted to interfere with or disturb the receiver or his subordinates in the possession and operation of the property in his custody. Lawless interferences with the receiver and his employees in the discharge of their duty will not be tolerated. It is proper to state, however, in justice to the Wabash engineers,

that they do not desire to maintain an attitude of defiance to the law, and that they are now willing to aid the receiver in the lawful and successful administration of his trust. The receiver's answer renders it unnecessary for the court to do more than direct that the petition remain on file for future action should there be occasion for it.

R. R. Cable, the president of the Rock Island Railroad Company, alone criticized the decision. In view of the ambiguity of the Interstate Commerce Act, Mr. Cable said the court was not justified in pronouncing a judgment that would involve other railroad corporations in the strike. But the decision was not based on the Interstate Commerce Act, but on the general obligations of a common carrier to interchange traffic, and on the inherent powers of the court. The criticism was recognized by the bar and the lawmaking power as applying to the Interstate Act, and it was promptly amended so as to give the courts the power to do what Mr. Cable said Judge Gresham had assumed.

With a statute behind him, Judge Taft took forty pages to reach a conclusion Judge Gresham arrived at in five. Under the Act as amended, Judge Taft in 1894 punished an engineer on the Pennsylvania Railroad for refusing to obey a mandatory injunction commanding the Pennsylvania Company and its employees to accept cars coming to the Pennsylvania Company at Toledo from the Toledo & Ann Arbor Road. Long opinions, Judge Gresham said, tend to create the impression in the popular mind that there is a doubt in the mind of the judge. There was acquiescence in the opinion in the "Q" case where there was dissent in the Ann Arbor. But this tribute I pay to Mr. Taft as judge and President: when it came to enforcing the law, he lived up to the best traditions of the Republic.

After reading his opinion, Judge Gresham called Alexander Sullivan into chambers and told him there ought not to be a general strike, and urged him to give his clients good advice. According to some, a judge should not have done

this. But the employees of the other lines as well as the Wabash engineers, and Wirt Dexter, the counsel of the Burlington, accepted the decision as final. There was no general strike and Mr. Dexter declared himself satisfied.

Afterwards, in a magazine article attacking courts in general, Eugene V. Debs, who was the secretary of the Brotherhood of Firemen at the time of the Burlington strike, stated that after the decision was announced, the firemen called on their counsel, Alexander Sullivan, for an opinion as to what Judge Gresham would do if in the face of the decision the heads of the Brotherhoods should order out the employees of the receiver of the Wabash. Sullivan said, "The judge will put you all in jail for contempt." Debs then stated, "We took no chances; we took Sullivan's advice, and paid him a big fee for his opinion."

The practical results of the strike were a decision that common carriers were bound to interchange traffic although the employees of one were on a strike, the amendment of the Interstate Commerce Act to that effect, many men permanently out of their positions, and an entire change in the chief operating men on the Burlington system.

During the Pullman strike, or "Debs's Rebellion," as the strike of 1894 was sometimes called, Walter Q. Gresham was Secretary of State in the cabinet of Grover Cleveland. A controversy arose in the shops of the Pullman Palace Car Company between it and its employees over wages. It was no concern of the American Railway Union, a new order that admitted to its membership all classes of railroad employees. The controversy with the Pullman employees had not been carried on long until the annual convention of the American Railway Union met at Uhlrich Hall in Chicago. Over much opposition, Eugene V. Debs, the president, and George Howard, the vice-president of the order, carried through the convention a resolution to boycott Pullman cars and to declare a strike on all railroads that handled Pullman cars, unless the Pullman Company settled

its controversy with its shop employees. It started with violence in Chicago, and spread all over the West and as far east as Pittsburgh before it stopped.

Some of the railroad corporations contemplated filing a bill in the Federal courts to enjoin interference with their property, when Attorney-General Olney took the matter in hand and directed the filing of a Bill in Equity in the United States Circuit Court at Chicago in the name of the United States against Debs and his associates in the American Railway Union, praying that they be enjoined from interfering with the property of all the railroads, specifically naming those entering at Chicago, and from interfering with free transportation of United States mails. In a measure the bill was drafted on the theory that the boycott was a conspiracy that fell within the ban of the Sherman Anti-trust Act of 1890. Judges Woods and Grosscup so interpreted it, and issued an injunction which was served on some of the strikers by deputy United States marshals. Subsequently the Supreme Court held the injunction could not be maintained under the Sherman Act; Judge Woods is reported to have said, if not under the Sherman Act, not at all. The Supreme Court, resting its conclusion on its general equity powers and its duty to aid the executive in enforcing the commerce clause of the Constitution, upheld the injunction, and also the jail sentence of Debs and his associates imposed by Judge Woods for violating the injunction.

At this time Mayor Hopkins of Chicago, so it was said, was averse to furnishing adequate police protection, and Governor Altgeld was protesting against the President sending troops to Chicago except at his request. After the injunction was issued, Judge Woods said, "Now they have their injunction, let them enforce it." Judge Grosscup telegraphed the President for troops as soon as the injunction was issued. Meantime the superintendent of the railway mail service at Chicago had notified the Postmaster-

General that the movement of the mail trains at Chicago was prevented by force. There were troops in Chicago, more on their way, and General Nelson A. Miles's headquarters were in Chicago. I had been in Chicago a short time before and had heard much of the unrest that was abroad, and of the disposition of some of the big business men to keep up the business depression.

One day, after an early dinner, my husband and I took a drive to the Soldiers' Home. The evening papers had contained accounts of the way the strikers had been disregarding the injunctions and destroying property and burning cars. As we drove along I expressed my fears that the damage done would be large and that there might be a great loss of life, and as I had two grandchildren in Chicago, I was getting more apprehensive all the time. My husband said, "This is the most senseless strike ever inaugurated. Olney and Lamont have it in hand and it will soon be ended."

To this I answered, "They never have had any experience in such matters. Pullman is personally a very unpopular man. The feeling against him is not confined to the working classes. Rich men, but not so rich as he, share this feeling. Some of them will sell Pullman stock short and fan the flames. You remember how Charles T. Yerkes stirred up a strike on the West Division street car line when he wanted to buy J. Russell Jones's stock, and how old J. Russell sold. And don't you remember how General Miles came to our house and wanted you to put yourself at the head of the People's party movement? He even had prepared a proclamation he wanted you to issue in which it was set forth that the Government had been perverted from the purposes of the founders and was administered only in the interest of the few. In this document Miles denounced both Harrison and Cleveland. He said to you, if you would sign this, the masses who have made this country what it is would rally as a man to you. In

his heart General Miles has a contempt for George M. Pullman, and his sympathies are with the masses. You had better do something."

For a time there was silence. Then my husband said, "John, you had better drive home." At the Arlington Hotel he said, "I guess I will go to the White House." In two hours he returned and said, "You need worry no more about your grandchildren. We sent for Lamont; General Miles has peremptory orders to command the situation, and he has all the troops he needs for that purpose. Lamont talked to him over the telephone." The next day President Cleveland issued his proclamation calling on all good citizens to abstain from force and violence and not to interfere further with the movement of mail trains and inter-state commerce. It was this proclamation and General Miles's prompt action that suppressed the disorder in Chicago. Lawyers and judges meet at Bar Associations and write and talk about how the injunction of Judges Woods and Grosscup suppressed the Debs strike. Instead of abating the "nuisance," the issuance of the injunction only infuriated the mob. Its only practical effect, including Debs's imprisonment for contempt without a jury trial, was to make him a martyr and perennial candidate for President on the Socialist ticket. But for this, distrusted by the men he had misled, he might soon have disappeared. The disorder suppressed, if the criminal code was so crude that Debs and his confederates could not be successfully prosecuted before a jury, and in this my husband did not concur, it was the duty of Congress to amend the law by defining what acts of interfering with a mail train or any part of an interstate railroad, constituted a crime. But the failure of Congress to provide a specific criminal code did not give the equity court jurisdiction in criminal cases.

CHAPTER XXVI

THE GREENBACK CONTENTION IN INDIANA POLITICS

THE MONEY QUESTION — LEGAL TENDER DECISIONS — CONSTITUTIONALITY OF GREENBACKS — WHAT IS MONEY? — PASSAGE OF THE "PUBLIC DEBT ACT" — DEMOCRATIC VICTORY OF 1874 — HENRY WATTERSON, THOMAS A. HENDRICKS, AND DANIEL W. VOORHEES — RESUMPTION OF SPECIE PAYMENTS — REISSUE OF PAPER — DISCUSSION OF THE LAST LEGAL TENDER DECISION. THAT OF 1884 — A CABINET DINNER PARTY IN WASHINGTON.

IN 1874 Judge Gresham supported Michael C. Kerr as a Democrat for Congress on a hard money platform. In those days the distinction was "hard" or "sound money" men, and "soft" or "paper money" men — men who believed in coin, the gold and silver of the constitution, or men who believed in a paper currency behind which stood the pledge of the nation. My husband belonged to the former class.

Political in form, the question in its essence was, and is, economic and judicial. What was, or is, money? Afterwards, in the '90's, a great question arose as to which, gold or silver, was money. Economic conditions had changed the value of silver. Mr. Bryan said the word "coin" meant silver; Mr. Cleveland said it meant gold. The overproduction of silver debased it as money. The increased production of gold answered the objection that the demonetization of silver contracted the volume of money or the medium of exchange.

In 1874 the simple question was, Did the word "coin" mean unlimited issues of paper money? Certainly not.

And before the nations have recovered from the effects of the present European war, the kings, the bankers, and the people of Europe will realize that unlimited issues of promises, on paper, to pay, even if it be in the form of bonds, is not money. Silver will be better than that. Should the alchemist succeed in making gold as common as pig iron, it would no longer be money, the medium of exchange or the yardstick. But so long as it continues at its present volume, it will be the medium in which the final settlement must be made.

The Union soldier was paid in "greenbacks," which were at a discount at the start and decreased in value as they increased in volume; that is, gold commanded a higher premium every day, especially after a Union defeat, just as the Confederate soldiers' money went to zero with the collapse of the Confederacy. So unlimited were the issues of the paper money of the Continental Congress, and so worthless did that money become, that we still have the expression, "Not worth a Continental." It takes something more than a printing press and unlimited supplies of ink and white paper to make money. But the greenback, dollar for dollar, bought government bonds, while the bonds would not, at their face, buy gold for the government. Not many of the soldiers, however, whose sacrifices were to make the bonds as good as gold, had any greenbacks to spare to buy bonds, and therein was the basis for the argument that was afterwards made against paying the bonds in gold.

My observation of the prowess of the Federal soldiers in the field, and the ability of many of their leaders whom I met, led me to invest in government bonds the money my husband sent me "for a rainy day." At this time I was saving to the last degree. I bought some "seven-thirties," that is, bonds drawing seven per cent and payable in thirty years. When gold went to 260 and my husband thought it would go higher, he advised shifting the savings from

bonds to gold, but told me to consult Mr. Slaughter. Mr. Slaughter said gold was too high. He was a very clear-headed man with unbounded faith in the securities of our government, even more than my husband, so I continued to hold on to my few bonds.

Walter Q. Gresham accepted the "greenback" as a distinct war measure, assuming they were to be retired at the end of hostilities. During 1862–3, the government issued in all $450,000,000. They took their name from the color of the paper on which they were printed. They were really a loan, and in order to make them circulate, to get the credit desired, the government made them legal tender for all debts. Before the first greenback or legal tender act was passed, it was objected that they would not be constitutional, that only gold and silver could be made a legal tender in the payment of debts. This was Judge Gresham's view. Secretary Chase doubted whether they would be constitutional, but finally, as a war measure, recommended their adoption.

Hugh McCulloch succeeded William Pitt Fessenden, who had followed Salmon P. Chase, as Secretary of the Treasury. And the country never had an abler or more experienced financier in charge of the Treasury Department than Hugh McCulloch. He was the Comptroller of the Currency and had been such since the creation of that office as part of the national banking system up to the time he was made Secretary of the Treasury. Before the war, Mr. McCulloch had been president of the Indiana State Banking System, which rode the panic of 1859 with ease, paying gold on demand when most of the banks of the country suspended. As a young lawyer, Walter Q. Gresham early became intimate with Hugh McCulloch. We were neighbors of Mr. and Mrs. McCulloch when my husband was in Mr. Arthur's cabinet.

As soon as the army was disbanded, Secretary McCulloch, with a view to returning to a specie basis, began converting the greenbacks into government bonds; that is,

retiring them as was contemplated should be done when they were issued. In this, he had my husband's most cordial approval. But to this policy there at once arose violent opposition in Congress, led by Thaddeus Stevens, until finally Congress put a stop to it by the Act of February 4, 1868, which provided that the amount of greenbacks then outstanding, $356,000,000, should be left in circulation. Mr. Stevens said that under the funding acts, the Secretary of the Treasury had more power than a czar, and the only czar Thaddeus Stevens was ever in favor of was himself. To allay the uncertainty that followed the promulgation of Mr. Stevens's views and the act of February 4, 1868, Congress was forced to pass "The Public Credit Act," that of March 18, 1869, which declared that United States notes and all other obligations of the government, except those expressly payable in paper money, should be paid in coin.

The State courts, to escape the charge of disloyalty, had uniformly during the war upheld the constitutionality of the greenback legislation. Finally a case presenting the question reached the Supreme Court of the United States. It involved a contract made before the war, for the payment of money, at a time when it was admitted that nothing but gold and silver coin was legal tender. The day of payment as specified in the contract, February 20, 1862, was before the first legal tender act went into effect. The judgment of the Court was adverse to the constitutionality of the act. The opinion, which was delivered by Chief Justice Chase, January 29, 1870, was concurred in by Justices Nelson, Clifford, Field, and Greer; Justices Miller, Swain, and Davis dissented.

Then in a few days, under an Act of Congress which had taken effect the first Monday in December, 1869, increasing the membership of the court to nine, Justice Greer retired, and two new members were appointed, Justices Bradley and Strong.

Justice Strong was taken from the Supreme Court of

Pennsylvania, where, over a strong dissent, he had written an opinion upholding the constitutionality of the legal tender acts. Justice Bradley had the indorsement of Thaddeus Stevens, and was close, it was said, to the Pennsylvania Railroad Company, which just then did not want to pay gold and silver to its employees and bondholders.

Before the change in the personnel of the court, the Attorney-General filed a petition for a rehearing and made an application for a re-argument. The question, What would be the effect of a contract for the payment of money after the Act went into effect? was not the question before the court in the case decided by the Chief Justice. After the re-argument, the court as enlarged, by a vote of five to four, overruled the decision of Chief Justice Chase. Justices Nelson, Clifford, and Field stayed with the Chief Justice. Justices Bradley and Strong, the two new members, with Miller, Swain, and Davis, who had dissented from the former judgment of the court, constituted the five. They decided that the legal tender feature of the greenbacks was constitutional and applied to all contracts, whether made before or after the passage of the acts for the payment of lawful money, except those expressly payable in coin. The opinion of the court, however, as written by Justice Strong, was put on the distinct ground that the act was constitutional because it was a war measure. Walter Q. Gresham, as a judge, agreed with Chief Justice Chase, who adhered to his views in a dissenting opinion. I often heard him discussing the decision of these cases with Judge David Davis and also Judge Drummond. It was said in the public prints of that day that the membership of the court had been changed for the express purpose of bringing about the change in decision. However this may be, it is clear that judicial questions in their essence are in a large degree social, economic, and political.

The legal tender decisions entered into Michael C. Kerr's campaign for Congress in 1874. The panic of 1873

had brought forward the inflationists of both parties. They claimed the sanction of the Supreme Court. The Congress that met in December, 1873, was Republican by a good majority but not by two-thirds. Under the leadership of Senator Oliver P. Morton, the Inflation Bill, as it was called, was passed. It increased the volume of greenbacks from $356,000,000 to $400,000,000, but on April 22, 1874, it met with a veto at the hands of President Grant. Senator Morton always claimed, as he understood General Grant's position at the beginning of the session, that the Inflation Bill would meet with presidential approval. In helping revolutionize the Supreme Court, General Grant did not indicate hostility to the greenbacks, but in his veto message, he took the ground that he was keeping his own and his party's faith. Some credited the veto to Roscoe Conkling, who had voted against the bill and had opposed the original issue of greenbacks.

Mr. Kerr, as a candidate for Congress in the State at large in 1872, had been defeated with his party. In his stead in our district our old friend Simeon K. Wolf, had been elected. Mr. Wolf was an inflationist and a greenbacker and wrote letters from Washington to our home papers. He declared that General Grant was all right on the money question until the representatives of Wall Street and the bondholders arrived and induced him to send in the veto. He predicted that when the people were heard from, there would be different laws from those we then had on the currency question.

Meantime Mr. Kerr had been practising law in New Albany and reconstructing his political fences through our congressional district. My husband saw much of his old opponent for Congress. During this period Judge David Davis came to New Albany and held court. While our guest it happened General Bristow[1] came to see him, and the same afternoon and at the same time Mr. Kerr called. The only public question they discussed was the money

[1] Secretary of the Treasury.

question. On it, I remember, Bristow said Morton had ruined the chances of the Republicans in Indiana. I heard the financial question much discussed while I was at Indianapolis on many visits during the winter of 1873–4, where I saw a good deal of Joseph E. MacDonald, who was a sound money man. One cold morning that winter Mr. MacDonald came to our house in New Albany for breakfast. He was then helping Mr. Kerr organize his district. My husband asked him whether he or Governor Hendricks would lead the Indiana Democracy on the money question. Mr. MacDonald said he would. My husband said he doubted it, and to help out he made a trip to Harrison County and to other points to see some of his former Democratic clients in Mr. Kerr's interest. Some of these former clients had voted for him as against Mr. Kerr. Others who declared they would do anything for my husband but vote for him on the radical ticket, said: "Judge, we will give you your choice between Democrats." One big, strapping Democrat, who controlled a large number of votes, came to our house and waited several hours, as my husband was returning from Indianapolis, only to say to him: "Judge, if you think Mike Kerr is a better man than Sim Wolf, we will go for Mike." One man who had induced his father, his sons, and a number of his neighbors to vote for my husband, but who would not vote that way himself, declaring he never had and never would scratch a Democratic ticket, was, with all his following, easily turned to Mr. Kerr's support. Both before the convention and at the polls Walter Q. Gresham helped Mr. Kerr that year. Mr. Kerr himself said he was most of all aided by Mr. Gresham's moral support, counsel, and advice.

The plan of Mr. Kerr and Mr. MacDonald was to lead the Democratic State Convention to adopt a sound money platform by anticipating its meeting with their convention July 1. Accordingly, on that day the Democrats of the Third Congressional District met at Seymour and

unanimously nominated Mr. Kerr on a short, simple platform, declaring for sound money and a tariff for revenue only, after accepting the war amendents to the constitution of the United States.

In his speech accepting the nomination on his own platform, Mr. Kerr began by saying:

> On the great subjects of currency and taxation there are to-day in our country and in the ranks of all political parties, in the minds of the people and in the press, the most remarkable absence of unity and harmony of opinion and the most embarrassing diversity of plans, policies, sentiments, and fancies.

Then after dismissing all partisan questions and accepting the amendments to the Constitution, he said:

> There never was and never can be a good national currency that does not rest upon the true foundation of intrinsic value of money whose value is fixed by the labor it costs to produce it; of money created under the injunction "that in the sweat of thy face shalt thou eat bread." Full of these convictions, wise in the then past experiences of the world, and faithful to duty, our forefathers imbedded these principles in our Constitution and cherished the fond hope that they had hereby forever secured their posterity against the evils of irredeemable paper currency. They declared in the Constitution that "no State shall make anything but gold and silver coin a tender in payment of debts." That is our constitutional basis, and it precisely coincides with the conclusions of universal experience and of science, of sound morality and national law. It is the fixed and irreversible judgment of mankind that the currency of commerce shall be gold and silver.

But these sound sentiments were without effect on the deliberations of the Democratic State Convention which met at Indianapolis July 14. It was under the control of Thomas A. Hendricks, then Governor of Indiana, and Daniel W. Voorhees. They adopted a noncommittal platform on the tariff, but on the inflation question they out-inflated the inflationists; they even demanded the repeal of the

"Public Credit Act" of 1869, which provided that the government bonds should be paid in coin.

Following the lead of their State platform, a portion of the Democrats put up old General John T. Cravens as a candidate against Mr. Kerr on an inflation platform. The Republicans, as an organization, and all the postmasters in the district endorsed him, and then he was called an "Independent."

The Honorable Simeon K. Wolf came home and took the stump for General Cravens. Some of the things Mr. Wolf said may not be without interest now. He complained that while he was at Washington working against the contraction of the currency—voting for more money—a snap convention was held behind his back at Seymour. "It was understood at Washington that General Grant would sign the bill which passed Congress on the currency question—until the Wall Street delegation reached there. If there is such a sap-head in Washington County as believes the Wall Street men are not working for themselves and against the people, then he should vote for the Seymour candidate. The Democratic, Republican, and Farmers' State Conventions are all in favor of more money. Also all others, except one in Illinois and one in Seymour. I will do almost anything for harmony, but I must preserve my principles before that. The Indianapolis and Seymour platforms conflict. Read me out of the party if I don't go Seymour, and I'll read you out if you don't go Indianapolis."

Both Governor Hendricks and Daniel W. Voorhees were sticking to the Indianapolis platform, and the embarrassment of Mr. Kerr was great when Henry Watterson, in an editorial in the Louisville *Courier-Journal*, "dropped a brick" on the Governor's head:

> Take Indiana, for example. The last Democratic State Convention was an offense to decency and intelligence. The only brave and pure man of influence in it was Mr. Kerr, and he was not

able to rally enough men like himself to do any good. Nothing could more conclusively show what a farce it is to talk of Hendricks for the White House. It was Dan Voorhees' work certainly; for he wants to be the only Daniel in the lion's den, and is always able to raise the devil among the sheep and the doves represented and led by the sweet-faced kid in the executive mansion at Indianapolis.

This made a great scurrying among the Democrats on our side of the river. Governor Hendricks was a Presidential candidate. L. G. Mathews, one of the New Albany neighbors and a friend of Mr. Kerr, was then temporarily in charge of the Indianapolis *Sentinel*. He mildly deprecated the attacks on the Indiana executive, just enough to bring to Mr. Hendricks' attention and the attention of the people what Watterson had said. Later on Governor Hendricks repudiated the inflation plank of his platform and acquiesced in responsibility for its being put on Voorhees. Not only that, but Governor Hendricks went into the third district and supported Mr. Kerr, and even entered into a joint discussion with General Cravens.

But not so with Daniel W. Voorhees, who scented the deal which was revealed as soon as the polls closed. He struck immediately at Messrs. Watterson and Hendricks by saying that he was tempted by no "glittering purse in the shape of an office," and had nothing to fear or expect from the favor or enmity of the press, east or west, north or south.

Until Governor Hendricks switched, Daniel Webster Voorhees was slated for United States Senator. Mr. Voorhees' speeches were printed in the Cincinnati *Enquirer* and sent broadcast throughout the district as a campaign document against Mr. Kerr; and they almost defeated him, as well as greatly embarrassing Governor Hendricks. But most important of all, the following extracts from these speeches indicate the difficulty there was in resuming "specie payments."

It is difficult to consider with patience much of the senseless clamour we now hear on the subject of specie payments. Its advocates scarcely condescend to point out any method by which it is to be done. They are not so much to be blamed for this, however, if a few facts are taken into consideration. This government is possessed of not more than $150,000,000 of gold, with no prospect of greatly increasing that amount at an early day. Our paper circulation of greenbacks and bank notes amounts to about $1,173,000,000.

After showing that this would enable the government to pay only two cents on the dollar, he called attention to what he said was the only plan that met the issue, that of the Chicago *Times*. "Destroy and burn the money now in circulation in the hands of the people until there is no more of it than there is gold to redeem it. But this would be atrocious. The fact is," he concluded, "specie payments are impossible."

About "The Public Credit Act" Mr. Voorhees said:

When beaten, however, on every proposition of law and on every point of history relating to the law on which the 5–20 bonds were issued and sold, the advocates of the money power, the apologists for plunder, always fall back on that gigantic fraud known as the Act of March 18, 1869. Fourteen days after the inauguration of General Grant, a well-defined, plainly written, carefully constructed, and universally admitted law of the contract between the people of the United States on the one hand and the bondholding public creditors on the other, was sought to be set aside and another contract enacted in its place whereby the unlawful gain of the bondholders and the consequent plunder of the taxpayers would amount to at least $500,000,000. Such a piece of legislative villainy as this has no equal in history.

Mr. Voorhees then quoted Senator Morton's reason for voting against the Act of March 18, 1869, namely:

That it would be foul injustice to the government and people of the United States, after we sold these bonds on an average of

not more than 60 cents on the dollar, now to propose to make a new contract for the benefit of the bondholders.

As to the greenbacks, Mr. Voorhees said:

Our circulating coin has disappeared, paper money has taken its place, sustained as a valuable medium of commerce and trade not on a specie basis at all, but by a confidence in the real and constantly increasing wealth of the country, the exchangeable value of the annual produce of its lands and labor. And now let us see what this currency, resting on such a basis, has done for the American people in the past. With legal tender notes, the debt of the State of Indiana, amounting to upwards of $10,000,000, was paid. Much of this debt, too, was contracted before the war, on a gold basis. The debts of nearly all the States were paid in the same way. Greenbacks heretofore were good enough for State creditors. Are they not good enough for national creditors? It was not repudiation then. Why should it be called repudiation now? All private debts have been paid in this currency for more than twelve years past, whether such debts were contracted when gold and silver were only legal tender, or afterwards. In this way, payments have been made amounting to more than five times our national debt. It seems the people are not yet aware that this currency was mere "shinplaster scrip," such as is issued by a wildcat bank in the back woods. Do they think so now? Greenbacks were good enough to pay the soldier for his blood and his life during the war, and that too when they were not worth more than half as much as they are now.

There was a time, however, strange as it may now seem, when greenbacks were esteemed good enough for the bondholders. But it was when he paid them out in the purchase of bonds for which he now demands gold. They paid for every 5–20 bond that was ever in existence. When they were only worth 50 cents on the dollar they paid for these bonds, dollar for dollar. One thousand dollars in greenbacks, worth $500 in gold, bought a thousand dollar bond which is now claimed shall be paid in gold at its face. When legal tender notes were rendering their welcome service to the capitalist they were not "shinplasters"; now they are "unredeemable rag currency." They were then recognized

as the money by which the Union was preserved, by which our credit was upheld at home and abroad, by which our country grew and developed its resources even amidst a tremendous war, by which the Pacific railroads were built during the period of civic strife, and by which a commercial prosperity prevailed which we have never had since. *Then it was held to be disloyal to oppose them as legal tenders.*

Contemporaneously with the circulation of the Voorhees speeches, the charge was made that Mr. Kerr was a government bondholder — that he even held some of the 5–20's that Mr. Voorhees was so loudly declaiming against. While this was not true and was finally denied, it did not injure Mr. Kerr with the holders of government bonds, and there were quite a number of them throughout the district, but it did make many of the soldier element vote for General Cravens.

Mr. Kerr's was an educational campaign. The labor he went through, speaking twice daily, traveling continuously, undermined his health and ultimately led to his death. Although there was but little allusion to the tariff in the campaign speeches, infant industries, plate glass and rolling mill interests of the district supported General Cravens. Democratic defection from Mr. Kerr was large, and so was the defection of the Republicans from General Cravens. But for Republican votes Mr. Kerr would have been hopelessly defeated. The Democratic State ticket had a majority of 4,800 in the district, while Mr. Kerr's was but 1,000. In the State the Democrats were in the majority by 10,000, and also in the legislature. In the nation at large, the Democrats elected for the first time since 1858 a majority of the members of the Lower House of Congress. The announcement came immediately after the election that when the legislature met it would elect, as it did, Joseph E. MacDonald as United States senator instead of Mr. Voorhees.

At a meeting held at Nashville in the last days of

November, 1874, to celebrate the Democratic victory of that year, Mr. Kerr was the principal speaker. "Marse Henry" got up the meeting and there revealed Mr. Kerr as his candidate for speaker of the House of Representatives. At the assembling of Congress in December, 1875, Mr. Kerr was elected speaker only to survive until July 16, 1876. In acknowledging at the Nashville meeting the aid he had received from Republican sources, Mr. Kerr said:

> But it is not in Massachusetts alone that we have had the aid of Liberal and Republican votes to achieve recent triumphs over wrong, radicalism, and corruption. To a greater or less extent we have had the like aid in all parts of the country. It is fit and just that we should recognize this fact, and so use the power conferred on us by these victories as to deserve again the confidence and coöperation of such good and worthy citizens.

Among the uninvited speakers at this Nashville meeting were Thomas A. Hendricks and Daniel W. Voorhees. It was made plain by this meeting that the real leaders of the Democracy were getting away from the Bourbonism that led to the war, and as a means to that end were declaring for the resumption of specie payments and the payment of all the obligations of the government in coin. The Democratic party before the War of the Rebellion was a sound money party. Vagaries may prevail for a time, but on the question of economics and finances the people are sound and cannot long be misled.

The wisdom and force of the new order of the Democracy were very soon manifest. The Republican organization had to quit dallying with the money question.

January 14, 1875, Congress, which was still Republican, passed the Act for the Resumption of Specie Payments; that is, that on and after January 1, 1879, the Secretary of the Treasury should redeem the notes of the United States in coin, and that in the meantime, to get the coin with which to do so, the Secretary of the Treasury was authorized to sell bonds.

Could the Northern Democrats and the Southern leaders in 1866 and 1868 have taken the position they did in 1874, we would have escaped many of the blights of Reconstruction. The entire fault must not rest on Thaddeus Stevens and Charles Sumner. When the final balance is struck, the chief blame will rest on the Hendrickses, the Pendletons, and the Seymours. The refusal on their part in the first instance to accord, if not demand, that protection in the law to the former slave that natural justice dictated, was utterly inexcusable. Resistance to the adoption of the 13th and 14th Amendments is what clothed Stevens and Sumner for a time with almost unlimited power to pass the 15th or Suffrage Amendment. All the more credit then is due to the Southern men; they were the first to see the mistake and come forward to correct it. The leaders in this line were Henry Watterson of Kentucky and John M. Allen of Tupelo, Mississippi. In his teens when the Confederate line broke at Nashville that cold December morning in 1864, "Private John" was still a young man when, as one of the delegates to the Democratic Convention of 1872, he insisted on nominating Horace Greeley over men like Thomas A. Hendricks.

The relations of Watterson, Hendricks, and Voorhees never became cordial. At that time I did not know Mr. Watterson personally, but later on it was my good fortune to know him well. It was subsequent to this that I learned also to know Mr. Voorhees. He honestly believed in the biblical saying that it was "easier for a camel to go through the eye of a needle than for a rich man to enter into the Kingdom of Heaven." My husband and Mr. Voorhees were friends then, and afterwards became very intimate personally and politically. During the Cleveland administration I came to know Mr. Voorhees well. At that time he told me that Governor Hendricks had abandoned his principles in 1874 and yet failed to gain the favor of the East and of the strong men of the South like Henry

Watterson. In 1876 "Marse Henry and his gang" were for Samuel J. Tilden's nomination, and Daniel W. Voorhees was easily reconciled to Governor Hendricks being assigned to second place.

The Resumption Act of 1875, the Sherman Act of 1890, and Daniel W. Voorhees as chairman of the Finance Committee of the United States Senate, were the great factors of the panic of 1893.

I can not leave the greenbacks without telling about the discussion which occurred at a Cabinet dinner in March, 1884, while my husband was Postmaster-General. The anomaly in our monetary system was the Legal Tender Act of 1878, which provided that after greenbacks, with their legal tender feature, had been reduced under the act for the resumption of specie payments, they should be reissued immediately. In other words, the government was required to keep up the endless chain of taking up in coin and then immediately reissuing its paper obligations. A New York broker challenged the constitutionality of this act when a citizen of Pennsylvania offered to pay with greenbacks bonds bought for his account. The broker said he must have gold. The case went to the Supreme Court of the United States where its constitutionality was upheld. The Wednesday following the announcement of the decision we had our dinner party for the President.

There were present President Arthur, Justice Gray, who had delivered the opinion of the court; Justice Blatchford; Attorney-General Brewster; Robert R. Hitt, then a member of Congress from Illinois; William E. Chandler, Secretary of the Navy; George Bancroft, the historian; Belden Noble, and several others. I was the only woman present, and I had made special effort to have a good dinner. I had excellent terrapin, good wine, and old Virginia ham, of which Mr. Arthur was especially fond. They all seemed, as the Attorney-General said he was, hungry and thirsty. As they forgot their hunger and fatigue, the discussion

turned to Justice Gray's legal tender decision. The government was not a party to the litigation, as it had been in the former legal tender cases. I remember especially that Mr. Arthur, who had appointed both Justice Gray and Justice Blatchford, was pointed in his criticism of the validity of the decision. There was much raillery, which the Justice received good-humoredly but with manifest embarrassment and surprise. One thing that impressed me was that Justice Gray did not maintain his position as readily as I supposed a man of his attainments and experience would do in a discussion of that kind. I remember he said that Chief Justice Chase took a different view of the question when he was Secretary of the Treasury; that the prohibition against the States making anything but gold and silver legal tender did not apply to the Congress of the United States. But this did not meet with the objection of Mr. Chandler that the notes were to be re-issued after being retired in time of peace when they were issued confessedly and only as a war measure. "The monarchs of Europe had possessed from time immemorial the right to make paper money a legal tender," said the justice, "to debase the coin of the realm." The answer was that the kings of Europe had done many things that were not right, one of which the framers of the Constitution thought they had effectually guarded against — the debasing of the circulating medium. More powerful than the government that emanated from a single man or king, the government of the people could exercise only rightful and legitimate powers. My husband, who was the host, could not be as free as his guests in criticizing the Justice, but he mentioned the fact that Senator Jones had stated in the argument on the Inflation Bill, that if no greenbacks had been issued the war would have cost a billion and a half less money than it did.

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